

VOLUME I.

20345 $\frac{1}{2}$ A

Stenographer's Record

CHARLES D. GAITHER, &c.,
Plaintiff,

vs.

THEODORE JONES, et al,
Defendants.

In the Circuit Court No. 2

September 20, 1935.

JACK SALOMON
STENOGRAPHER
BALTIMORE, MD.
301 CALVERT BUILDING

I N D E X .

<u>Witness.</u>	<u>Direct</u>	<u>Cross</u>
Lieut. Ezekial Williams	5	--
Officer Frederick J. German	36	--
Philip Rummel	42	--
Mrs. Bessie Rummel	96	--
Theodore Jones	138	--
Mrs. Ruth Grob Fisher	189	--
Henry Grob	204	--
Mrs. Bessie Rummel (recalled)	227	--
Yale Merrill	228	--
Eli H. Merrill	242	--
Mrs. Frances Rummel	251	--
Benjamin Kallis	263	--
Mrs. Bessie Rummel (recalled)	266	--

CHARLES D. GAITHER,
Police Commissioner of
Baltimore City,

Plaintiff

vs

THEODORE JONES,

Infant, at al.,

Defendants

IN THE

CIRCUIT COURT NO. 2

of

BALTIMORE CITY

BEFORE HON. EUGENE O'DUNNE, Judge.

Baltimore, Md. Sept. 20, 1935

COUNSEL PRESENT:

C. Arthur Eby, Esq., : on behalf of Elizabeth H.
and : French and Mary P. B. Findlay
Emory H. Miles, Esq., :

Harry O. Levin, Esq., : on behalf of Charles H.
and : McNabb, Guardian, and Theo-
Sigmund Levin, Esq., : dore Jones and Henry Grob.

Charles F. Stein, Jr., Esq., : on behalf of Reuben Foster,
and : administrator d.b.n. of the
J. Paul Schmidt, Esq., : estate of Andrew J. Saulsbury,
et al.

W. Albert Menchine, Esq., : on behalf of Mrs. Grob,
and : Mother of Henry Grob.
Joel J. Hochman, Esq., :

Simon E. Sobeloff, Esq., on behalf of Yale Merrill
and Eli H. Merrill

MR. LEVIN: I would like to make a statement
before you gentlemen start. I wrote it down and it
will not be necessary for the stenographer to take it.

THE COURT: Take down everything that happens.

MR. LEVIN: I want to say neither my associate
or myself know anything about any coins, other than
those which were delivered by Theodore Jones and Henry
Grob to the police. As an officer of this Court and
particularly as counsel for the Guardian appointed by
the Court, I am in perfect accord with this, or any
inquiry, having for its purpose the discovery of any
coins other than those delivered to the police, and
if there are or were others, withheld in the first
place by the boys, or found since the original find,
I intend, as counsel for the Guardian, to take such

action as this Court directs, to recover them, or their value. However, in order to fully perform my duty towards my clients, as well as the Court, I would like to remind your Honor that the Decree of this Court passed on February 25, 1935, by virtue of Code Article 16 Section 201, became enrolled within 30 days thereafter and if my brothers intend to urge either now or later, that anything said or done at this hearing, or any adjournment, can in any way legally affect that Decree, or which would authorize a Bill of Review, I would like your Honor to permit me to be heard.

(Opening statements by counsel were then made)

(The witnesses were then excluded from the Court Room, to be called respectively when they were placed on the stand.)

LIEUT. EZEKIAL WILLIAMS, being duly sworn
according to law, testified as follows:

DIRECT EXAMINATION

Q(MR. EBY) Lieutenant Williams you are connected with
the Eastern Police District, are you not ?

A Yes, sir.

Q Are you familiar with the finding of certain gold
coins at 132 South Eden Street, about August 31, 1934?

A I investigated it.

Q At that time ?

A Yes, sir.

THE COURT: The original find ?

A I only heard of it, that is all.

Q (MR. EBY) Were you connected with the Eastern Police
Station at that time, August 31, 1934 ?

A I was.

Q Were those coins turned in to the Eastern Police Stat-
ion ?

A They were.

Q The record in this case shows at that time *The sum of* \$11,427.50

in gold coins was turned over to the Police, they were turned over to the Eastern ^{Western} police, were they ?

A They were, but I did not handle that case.

Q What officer did handle that ?

A Lieutenant Pfennig and Sergeant Lample.

Q You have recently made an investigation with regards to the finding of certain additional coins at 132 South Eden street ?

A I have.

Q How did you happen to start that investigation ?

A On the night of Sept. 2nd Mr. Phillip Rummel --

Q What year ?

A 1935 -- made a report his house was burglarized of thirty one hundred dollars in United States currency. On the morning of September 3rd I went to Mr. Rummel, 132 S. Eden Street and I questioned Mr. Rummel and his wife, Mrs. Bessie Rummel, in reference to the robbery. While investigating there a little boy came running over and he said a detective had Henry across the street. I immediately sent Sergeant Benesch over to see who that was. When he came back Sergeant Benesch

hadbrought Henry Grob into 132 South Eden street. I later found he had reported he had been to 1212 South Highland avenue and brought Henry Grob up. After I got through my inspection of the premises I then taken Henry Grob and Theodore Jones to the Eastern Police Station for questioning. While questioning Henry Grob he stated that after the decision of the Court of Appeals that they had decided one day to go down in the cellar and dig for more gold, and the two boys had found a copper pot containing a lot of old gold, that they brought it up into the kitchen of 132 South Eden street and they placed it into a bucket and washed it off, in company with Grob, Mrs. Jones and Theodore Jones, they would wash it and Mrs. Jones would dry it and place it on the table --

THE COURT: Are you telling what they told you about the second find or the first find ?

A The second find.

Q Go ahead ?

A And after they got it dried off they placed it on this table, and they got two coffee cans and they would

take a twenty dollar gold piece and they would place one in one can and then one in another until it was all gone, and then came down in lower denominations--

THE COURT: With the idea of making two pots with equal denominations?

A That is it.

Q (MR. EBY) Did they tell you how much they counted out that way?

A Yes, sir.

THE COURT: Let him finish?

A He said while they were counting the money on the table Phillip Rummel walked in and caught ^{the} three of them counting it, and Mrs. Jones told Rummel to go in the back room, which he did. He then said they took the money off the table and put it on the bed in the room close to the front and finished counting it there, and when they got through each had \$5000 apiece.

Q (MR. EBY) Now, you spoke of Rummel and Mrs. Rummel, is that the husband of Bessie Jones?

A That is the husband of Mrs. Bessie Jones, but at that time they were not married.

Q Rummel recently married Mrs. Jones ?

A Yes, sir.

THE COURT: The mother of the Jone's boy supposed to have been the boy that made the original find ?

A Yes, sir.

Q (MR. EBY) Who made the report of the alleged burglary ?

A Mr. Phillip Rummel.

Q Mr. Rummel ?

A Mr. Phillip Rummel.

Q Did he tell you anything about whose money it was that was stolen ?

A Yes, sir, I questioned Mr. Rummel as to how he collected that amount of money, where he was employed and what his salary was, and at that time he said it was his life savings. I felt sure from the salary that he had--

THE COURT: Never mind what you felt -- state what he said and what you said ?

A Then that is the reason I taken these two boys to the station house.

Q What answer did he give you to the question as to his salary ?

A Eighteen dollars a week, and had been working at this job for about 7 or 8 years.

Q (MR. EBY) What job ?

A With the city.

Q The Sewerage Department ?

A Yes, sir, and I then asked him how many days he lost a week, and he said sometimes he worked four days and sometimes five days, and if he did not work a full week that would be deducted off his salary of \$18.00 a week.

Q And in that time on a salary of eighteen dollars, allowing for lost time, he had saved and accumulated some thirty one hundred dollars in gold coins that he was robbed of ?

A Not in gold coins.

Q Of United States Currency ?

A Yes, and while I was there making my investigation he reported an additional five hundred dollars in gold coins that had been stolen.

Q So the total amount of theft was thirty one hundred dollars in currency and five hundred dollars in gold?

A Making a total of thirty six hundred dollars.

Q When you questioned him about his savings did he subsequently admit that the money was not his savings?

A After I received certain information from Henry Grob, then I had a talk with Theodore Jones in reference to the money that his father had collected--

THE COURT: Step-father ?

A Step-father. Theodore Jones said that after Phillip Rummel married his mother, that his mother had been on relief, and they immediately cut them off the relief, and he said four or five days they did not have anything to eat in the house. Jones verified practically the statement that Henry Grob had made. I then sent for Mr. Rummel and Mrs. Rummel to come to the Eastern police station. I then questioned Phillip Rummel first, and he stated that he had made a false statement to me, it was not his life savings, that the money he had lost was the money they had received for the sale of the old gold coins. I then questioned

Mrs. Hummel, and she made the same statement, that the money that had been stolen was the money that had been sold for the gold coins that was found by her son and Henry Grob.

Q You also questioned Theodore Jones on that point ?

A Yes, sir.

Q What statement did he make ?

A He said his mother had sold the money that had been found, but he did not know to whom. He said she got \$1500 for \$1000, the second lot she got \$1200 for \$1000, and the third lot, she received \$1300 for \$1000, and Mr. and Mrs. Hummel both verified his statement as to the price they had gotten for the old gold coins.

THE COURT: Did they say where they had gotten the old gold coin they sold for \$1300, and another thousand for \$1200 and another for \$1200 ?

A They said they were found in the cellar of 132 S. Eden street, by Henry Grob and Theodore Jones.

Q Did they say when they were found ?

A About 5 or 6 weeks after the decision of the Court of Appeals.

Q Their last statement to you was that there were two finds made by the boys on the same premises ?

A Yes, sir.

Q (MR. EBY) To get the record straight, I think there were three lots sold, were there not ?

A Yes, sir.

Q The first lot was \$1000 in gold sold for \$1500 ?

A Correct.

Q The second lot, \$1000 in gold, sold for \$1250 ?

A Yes, sir.

Q The third lot, \$1000 in gold, sold for \$1250 ?

A Yes, sir.

Q So the total sum of \$4000 in cash or \$3000 in gold ?

A That is correct.

MR. LEWIN: \$3700.

MR. EBY: \$4000 in currency --

WITNESS: Three thousand sold and received four thousand for it.

Q Now, did they, at any time, inform you as to whom they sold the gold ?

A Why, at that time, they said the gold had been sold by

Mr. Rummel's sister-in-law, Mrs. Frances Rummel, who resided at 311 E. Bond street. I then went and interviewed Mrs. Frances Rummel, and at that time, she said she had not sold any gold for them. I then asked Mrs. Frances Rummel if she had any objection to my bringing Mr. and Mrs. Rummel there, and she said she did not. I then sent for them and brought them down to 311 E. Bond street, and Mr. Rummel and Mrs. Rummel stated, in her presence, that she had sold the gold. So they got into an argument there, and I had to get them out -- it did not turn out so good, after she agreed to let them come there. Mrs. Frances Rummel then called me back into the kitchen, and said, I am going to tell you the truth; she said, The first lot of gold that was found, Mrs. Jones -- who was Mrs. Jones at that time -- and Philip Rummel came down with this pot of gold, and dumped it on her table, and they started to count the money out. She said a little later, while they were counting it out, Henry Grob and Theodore Jones came along, and said they had to take the money to the Eastern Police Station, and said they raked it

up and put it in the pot, and it was taken to the Eastern Police Station. She said out of that money, Mrs. Jones got some of it; she did not say how much, but anyway, she turned it in for \$185, and gave Mrs. Jones the \$185 she had received. I then asked her if she knew the man who she sold it to; she did not know the name, but she described him as a man of about 70 or 75 years old, six feet tall, stoop-shouldered, and since that time, had died. So, on September 7th, I went back to Mr. and Mrs. Rummel's home, 132 S. Eden street, and on that afternoon, Mr. Rummel and Mrs. Rummel stated they had sold the second lot they had found to a man uptown, and he had an office in the American Building. I asked them if they knew his name, and they said, Merrill. I said, How do you know the man's name is Merrill, he might have given you a different name, and he said, When he came here, he wanted to buy this gold, and we thought probably he was a fake, and was trying to swindle us, and we would not sell it to him, unless we knew who he was, and he said he wrote his name on a piece of paper, gave it

to them and told them where to come. The next day, or a day or two afterwards -- they did not say the next day -- they said a few days later, they went up to the American Building, and they found the same gentleman in an office there. I said, How do you know that his name is Merrill, and they said he had his name on the window where they entered, and they said Mr. Merrill then came back and that is when the transaction taken place, the first \$1000 they sold to him for \$1300.

Q Mr. Merrill came back to their house ?

A Yes, sir.

Q And the transaction took place there ?

A Yes, sir.

Q Did they state when that took place ?

A She said a few days later.

Q A few days after he first called ?

A They had been to his office to find out --

Q Did she say when he first called ?

A No -- I could not say just when that was.

Q And how was it paid -- in cash ?

A Paid in cash, yes, sir. She also said that there was a second man with Mr. Merrill; Mr. Merrill done all the talking, with the understanding that the second man was the money man.

Q Was that at the first transaction?

A That was the first transaction.

Q And at that time, she received \$1500 for \$1000 in gold?

A That was her statement, sir.

Q Now, did she tell you anything about these other transactions?

A She said each time it was transacted in her home.

Q Each time that was?

A In her home, yes, sir.

Q And she told you about the two subsequent transactions at which \$1500 was received each time?

A Yes, sir.

Q For \$1000 in gold?

A Yes, sir.

Q Did you interview Mr. Merrill himself?

A No, sir, I have not seen Mr. Merrill. I referred to the telephone book and I found there was a man listed

in the telephone book by the name of Yale Merrill, who had an office, 709 American Building, but I did not interview him.

THE COURT: What business did the telephone book give ?

A Advertising business.

Q (MR. EBY) Did anybody give you the name of the second man who first came with Mr. Merrill ?

A No, sir.

Q Did Mrs. Jones or Mrs. Rummel give you any description of Mr. Merrill ?

WITNESS: Of the man that was with him ?

MR. EBY: No, Mr. Merrill himself, the man who arranged the transaction ?

A She said he was a man about 35 or 37 years of age, smooth face, and had bushy hair, kind of wavy hair.

Q Lieutenant, what other officer has worked with you in this transaction ?

A Well, all the officers around were working on the case, but on September 7th, I remember having Officer German with me, when she said she sold the money to a man by

the name of Merrill.

Q When was that ?

A On the afternoon of September 7th.

Q Officer Frederick German ?

A Yes, sir.

Q Of the Eastern District ?

A Yes, sir.

Q Did you learn anything about what Henry Grob did with his share of the gold ?

A Yes; Henry Grob made a statement to me that they had divided the money there; he taken it home and he had ripped the mattress, that he had it in a coffee can, pulled some of the wadding off the mattress, or whatever it might be, and made a space so he could put this can in. After he placed the can in the mattress, he sewed the mattress up, and he said one night, he and his brother were going to bed, after his brother got undressed, he said he made a kind of head-dive in the bed, and as he did, his head struck this can, and he immediately called to his mother. His mother came in, and then is when they found this coffee can of old

gold coins, and said he told his mother as to how he found it, and turned the money over to his mother, and she had later sold the money. I asked did he know who it was sold to and he said, No, but to some Jewish people uptown. I asked if he knew what was gotten for it, and he said they had gotten dollar for dollar.

Q He did not get any premium for his ?

A No, he said he got gypped.

Q Did he say anything later to you about some gold or currency being sent to Pittsburgh, and placed in a safe deposit box ?

A Mr. and Mrs. Rummel said that they had visited Pittsburgh; they had placed the money into a hand-satchel and when they arrived at Pittsburgh, she has a son living there --

Q Mrs. Rummel has ?

A Yes, Mrs. Rummel, and they went to the bank and rented a safe deposit box, and paid \$5 for it, and kept the money there. They returned home, and left the money in Pittsburgh, and later, about three or four weeks -- about three weeks, to be correct, they went back to

Pittsburgh and got the money out of the safe deposit box, and brought it back to Baltimore.

Q Did she fix any time as to when that money was taken to Pittsburgh ?

A Well, the best I can recall, I think she said it was about six weeks before this robbery.

Q And how long did they have that money in the house, before the burglary took place ?

WITNESSES: After it was brought back from Pittsburgh ?

MR. EBY: Yes.

A About two weeks.

Q Have you investigated the matter of the alleged burglary?

A I have.

Q Have you found the burglar ?

A I have not.

Q Have you gotten any information that would lead you to suspect anyone of the burglary ?

A I suspected it was an inside job; it had all the indications; it had two panes of glass in the window that was broken; there is a fire escape that runs up near

that window, and the glass was all laying out on that fire escape. Of course, someone had been there before I was, and at that time, I did not hear that the glass was taken out from the inside, and laid out on the fire escape, so I questioned Mr. and Mrs. Rummel, as to whether they found any glass on the inside, or not, and they said there was not a piece of glass on the inside, it was all on the outside, just as I saw it laying there then. The window was broken, the pane was broken in a kind of ragged shape, and from my experience, if it was broken outside, there would have been some glass inside, and my judgment was, that it was broken from the inside.

Q Is it a two-story front ?

A Yes, two-story front.

Q Did they say where they had kept the money in the house?

A They had some in a trunk, and some in a cupboard in a room, some in a cupboard, in a tin box.

Q Did they report the trunk had been broken ?

A Yes, lock twisted off -- the hasp pulled out of the cupboard.

Q Did they say when they made the report, how long prior to making the report, they had discovered this alleged burglary ?

A They said they were going out to Overlea, to see a house, with the idea of purchasing it, that they left home in the neighborhood of 7 o'clock, and returned about 10 or a little after. They said they immediately called up the police, after they discovered the robbery, when they came back.

Q Did you ever interview Mrs. Grob ?

see p. 197

A I have not. She was at Preston, Maryland -- that is the information I got, she was not home.

Q At that time, she was in Preston, Maryland ?

A Yes, Caroline County.

Q You never talked to her ?

A I never talked to her, and never have seen her.

Q Have you ever been down in the cellar where the gold was found ?

A Yes, I was down there, I think, about the 6th or 7th of September.

Q Did they tell you where this new find was made ?

A On information, I think it was found in the rear of the cellar.

Q Did you have to go through a partition to the rear part?

A Yes, sir.

Q That is at the place where the first was found?

A Yes, sir, they said right near there.

Q Was it pointed out to you where this alleged second find was made, with reference to the first find?

A No, none of the Joneses or Rummels were there at the time I was there; I was told it was found in the rear of the cellar, walking in the cellar, it would be to the left-hand side of the cellar.

Q Then you went through a partition door?

A That is right; the cellar, at that point -- I don't think it is any higher than this rail; it may be 6 inches higher.

THE COURT: That would be about three feet or four feet?

A I would say in the neighborhood of four feet, your Honor, and very dark.

Q (MR. CBY) Did you use a flashlight?

A I had Officer Jirman with me, and it was so dark, I bumped into him.

Q That (indicating) is a photograph of the place where the original gold was found -- it is in evidence in the case -- can you tell from that photograph -- this would be the left-hand side of the cellar --

THE COURT: All he knows, as to where the second find was made, was from some hearsay statement --

A No one pointed the spot out to me.

THE COURT: He only knows that from rumor.

A That is it.

MR. SBY: All right, that is all.

THE COURT: Are there any counsel who desire to examine the lieutenant?

Q (MR. CONELLOFF) How many trips did Mrs. Kunsel make to Pittsburgh --

THE COURT: So we may have it in the record, will the counsel disclose who they represent?

MR. CONELLOFF: I represent Yale Merrill and Eli Merrill, who have been summoned here as witnesses. I don't suppose I have any standing --

THE COURT: Yes, you have -- we just want it noted on the record.

(MR. SOBLOFF) How many trips were made to Pittsburgh by Mr. and Mrs. Summel, do you know?

A The statement to me was there were two trips, one to take it out, and then came back, and later went out and got the money.

Q Did they inform you how much money they took to Pittsburgh?

A They said they had taken it all, and they said they were sorry they did not leave it there.

Q Did they tell you whether they sold any in Pittsburgh?

A They did not.

THE COURT: You mean they did not tell you, or did not sell any?

A Did not tell me.

Q (MR. SOBLOFF) Did they say anything about selling money to a man with a money-belt -- make any statement of that sort to you?

A No, sir.

Q I was not quite clear about this \$100 matter -- just

what was it you testified, with respect to that,
Lieutenant ?

A I said that Mrs. Frances Rummel, who lives at 311 E.
Bond street, who is a sister-in-law of Philip Rummel,
when I questioned her, she said that the first gold
that was found that Mrs. Rummel, who was Mrs. Jones
at that time, and Philip Rummel, came there one night
and had a pot of old gold, and they dumped it on the
table, and they all started to count it out, and a
little later, Theodore Jones and Henry Grot came run-
ning in and said they had to take the money to the
Eastern Police Station.

Q That is what took place when the money was originally
found ?

A When the first gold was found.

Q I just want to be clear about it.

A And at that time, the money was raked up and put in a
container and was taken to the Eastern Police Station,

Q And the amount retained out of it at that time was
something in the neighborhood of \$185, according to
the story told you ?

A That is what was to be turned in.

Q And this larger find you have been trading, is the second find ?

A Yes, sir.

Q And you have testified to the sale, as related to you, of the Jones share of that second find ?

A Yes, sir.

Q As to the Samuel share, you have no knowledge -- I mean as to the Grob share, you have no knowledge ?

A I have no knowledge.

Q (THE COURT) Frances Samuel indicated to you that someone had paid her \$185 -- did she say who paid her the \$185 ?

A She said she did not know his name; she described him as a man about 70 or 75 years old, six feet tall, said he was stoop-shouldered, and since that time, had died.

Q He was the one that gave her \$185 ?

A Yes, sir.

MR. LBY: Did she say how much gold she sold for the \$185 ?

THE COURT: You mean he gave her gold ?

MR. EBY: No, they sold a certain amount of gold for \$185.

WITNESS: She turned the gold coins in and received \$185.

THE COURT: Did she say how much in face value was given to her by this old stooped-shouldered man out of the gold coins before the boys insisted they had to turn it into the police ?

WITNESS: I don't think it happened that way.

THE COURT: Then explain what you mean ?

A When this money was brought there--

MR. LEVIN: What money ?

A The gold coins.

Q The original find of gold ?

A The original find that was brought there and dumped on the table, and they started to count that money --

Q Don't go over all that again.

A Out of that money Mrs. Jones, who was Mrs. Jones at that time, taken a certain amount of that gold and later gave it to Mrs. Frances Rummel who sold it to

this old man and received paper money for it.

Q (THE COURT) What I want to ask you is this, did Frances Rummel claim that Mrs. Jones had given her a certain number of these coins out of the pot that was dumped on the bed before the Jones boy came in and said he had to turn the pot of gold into the Eastern police station?

A The money that was dumped on the bed was supposed to be the second find.

Q You have been telling us all along that was out of the first find?

A This \$185 was, but the second find is money that was put on the bed, not the first find.

Q In your conversation with Frances Rummel, where did Frances Rummel say she got the gold coin that was afterwards sold to this old man for \$185, out of the first find or the so-called second find?

A The first find.

Q Did you understand from Frances Rummel that the gold coins that she got from Mrs. Jones, the mother of Theodore Jones, was gotten by her from Mrs. Jones before

the Jones boy came in and said he had to turn the pot of gold into the police station?

A She did not say whether that was before or afterwards, but it was out of that lot of money.

Q (MR. EBY) To clear up one question that Mr. Sobeloff asked about, not having any information about what the Grob boy did with his money. You did testify Grob told you he sold his share dollar for dollar?

A He did not say that but his mother did.

Q He told you his mother sold his share of this five thousand dollars of gold dollar for dollar?

A Received dollar for dollar.

Q Rummel first reported to you about the thirty one hundred dollars and later told you five hundred dollars in gold -- did he explain how he had the five hundred dollars in gold, where that came from?

A He said that was five hundred dollars of the gold that was found, out of the second find, that was found by Theodore Jones and Henry Grob.

Q (MR. SOBELOFF) You mean the five hundred dollars in coin was stolen?

A Yes, sir.

Q Along with the thirty one hundred dollars in cash.

Now, did he explain to you what happened to the balance-- according to his story, as I understood it from the testimony, Merrill bought three thousand dollars worth of coin ?

A Yes, sir.

Q And five hundred dollars worth of coin were stolen ?

A Yes, sir.

Q That would be thirty five hundred dollars ?

A Thirty six hundred dollars.

Q There were three sales to Merrill of coin, and according to the story given you by Rummel those sales were for one thousand dollars face value, each sale, and that would be three thousand dollars worth of coins face value ?

A Yes, sir.

Q And five hundred dollars of coins, face value were stolen, that would be thirty five hundred dollars of coins face value ?

A Yes, sir.

Q You were also given the information that the share of

the Jones boy, after the equal division was made, amounted to five thousand dollars in coin ?

A Yes, sir.

Q That would leave a discrepancy of fifteen hundred dollars ?

A Yes, sir.

Q Was any explanation given you of that discrepancy either by Mr. Rummel or anyone else ?

A Yes --I asked them in reference to that and they said they could not account for it.

Q You did ask him about that discrepancy ?

A Yes, and they said they could not account for it.

Q Did he admit to you, or did anybody else admit to you that they made other sales, or any sale of the five thousand dollar portion that young Jones got out of the second find ?

A No, only what I stated.

Q (MR. EBY) Lieutenant, did they give you the name of the bank in Pittsburg where the money was placed in the safe-deposit box ?

A I asked Mr. and Mrs. Rummel both where the bank was

located and the name of it and they said they could not remember the name of the bank or where it was located.

Q Did she give you the name of her son who lives in Pittsburgh ?

A Eugene Jones.

Q Did she give you his address ?

A They said it was Federal or Fremont street -- I cannot remember which -- I would not say positive -- may be that is where he works. They said he had a repair shop there, Federal and Fremont.

Q You mean at the corner of Federal and Fremont -- have you anything on your record or report that would give the address ?

A I don't just know, but I can look at it. (after looking at paper) I don't think I have the address.

Q You are speaking from your recollection then ?

A Yes, sir.

MR. EBY: That is all.

Q (MR. Menchine) You testified after this second find had been counted it was five thousand dollars a piece--

from whom did you receive that information ?

A I received that information from Henry Grob, Theodore Jones, Mrs. Bessie Rummel and Philip Rummel.

Q You have testified, Lieutenant, that Mrs. Grob sold the gold to some Jewish people up town, did you make any effort to determine who that was ?

A I have never talked to Mrs. Grob; the information I obtained was from her son, Henry Grob.

Q Did you make any effort to find to whom the money was supposed to have been delivered ?

A I tried to find out, but that part was useless.

Q You did not find out ?

A I did not find out. The information I received was from the son and he said he did not know who it was sold to.

Q Did you make any effort to speak to Mrs. Grob ?

THE COURT: She was not in town.

A She was in Caroline County, Preston, Maryland, one hundred miles from here.

THE COURT: He can be excused unless someone else desires to question him.

(Examination concluded)

OFFICER FREDERICK J. GERMAN, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION.

Q (MR. EBY) Officer German, you are connected with the Eastern Police District ?

A Yes, sir.

Q Were you familiar with the first find of gold coins at 132 S. Eden street, in August, 1984 ?

A I heard of it.

Q They are the coins that were turned into the Eastern Police Station about that time ?

A Yes, sir.

Q Now, have you made any investigation, with reference to the alleged second find of gold coins recently ?

A Yes, I was with Lieutenant Williams investigating the report of the robbery of \$3100.

Q Lieutenant Williams testified there was a report of the burglary of \$3100 in cash, and \$500 in gold, at 132 S. Eden street -- is that what you are referring to ?

A Yes, sir.

Q And you worked with Lieutenant Williams on that case ?

A Yes, sir.

Q Did you go to the premises, 132 S. Eden street ?

THE COURT: Let him state what he did.

A It was on the 2nd, he reported he was robbed --

Q (MR. EBY) The 2nd of September ?

A Yes, sir. He reported he was robbed of \$3100, and we went to investigate, and through the investigation, we found there was \$500 in gold coin added to it, and that made it \$3600. We questioned them up in the house and he said it was his life's savings, and after close plugging, he admitted the money that was lost was derived from the sale of gold coins, and somebody said they got in through the fire-escape, and taken it all out. We questioned everyone around that was connected with it, and we did not arrive at any settlement --

Q Was there anything said by Rummel, or any of the parties interested, about the sale of the gold coins ?

A He said he taken it down to his sister-in-law's --

THE COURT: Who said that ?

A Rummel.

Q (MR. EBY) Philip Rummel ?

A Yes, sir; he said he took it to 311 S. Bond, and his sister-in-law, and she negotiated the sale of the coins.

Q That is what he told you ?

A Yes, sir, and we went down -- Lieutenant Williams and I went down to 311, and she denied it, on the jump, so we brought Mr. Philip Rummel and his wife down, to face her.

Q You are speaking of Mrs. Frances Rummel ?

THE COURT: Yes.

A We brought them down to 311 S. Bond street. We asked if she would sanction bringing them down, and she said, No, and we brought them down, and it was said she did not know anything about it -- Mrs. Rummel's sister-in-law did not know anything about it, and later on, she admitted the only thing she had of gold was three gold dollars that Mrs. Rummel had given her for the children-- gold single dollars.

THE COURT: Did she say Frances Rummel had negotiated the sale ?

A No, she admitted later, she sold some.

Q To whom ?

A A tall Jewish fellow, she did not know his name; she said he was about 6 feet, and about 80 years old, and I asked if he wore glasses, and she said, No. Philip Rummel, in his description of the man that bought the gold, was 70.

Q (MR. EBY) Did she say how much she got from that sale?

A He said --

THE COURT: Did she -- not what he said -- did she tell you what she got from the sale of gold that she sold ?

A No.

Q Did she tell you how much she sold ?

A She did not tell that -- she did not get it all.

Q She did say she sold some of it ?

A Yes, sir.

Q Did she say \$3 of gold they gave her ?

A Yes, three pieces, one dollar each.

Q (MR. EBY) Did she say whether the gold she sold was from the first pot, or the second ?

A Supposed to be from the second lot. Mr. Philip Rummel, in his statement, the first lot of gold he changed into currency, and he got \$1500 for it, it was in three lots, and the second lot, he got \$1250, and the third lot, \$1250.

THE COURT: For \$1000 each ?

A Yes, sir.

MR. EBY: To whom did they sell that ?

THE COURT: Philip Rummel made that statement.

Q (MR. EBY) Did Philip Rummel tell you to whom he sold it?

A He said a tall Jewish fellow, about 70 years old, six feet tall, and then when I brought him down to Bond street, he changed it to 80, and I asked him if he wore glasses, and he said, No.

Q (THE COURT) Did Philip Rummel ever tell you he sold gold to a fellow named Merrill ?

A No, I think Mrs. Jones.

Q (MR. EBY) What did she tell you ?

A A man in the American Building, Merrill.

Q And the man who since married her, claims he sold it to an old Jewish man, 80 years old, without glasses ?

A Yes, sir.

Q Did you question Henry Grob at any time ?

A Yes, sir.

Q About this find, and the sale of the gold ?

A Yes, he said he got \$5000 of the gold for his share.

Q What did he say he did with it ?

A He said he changed it -- I think he got \$3000, or something for it --

THE COURT: \$3000 for \$5000 of gold ?

A Three thousand and some -- I think \$3900 -- I am not positive of it.

Q This is what Philip Grob told you ?

A No, Henry Grob -- that was in the examination at the Station House.

Q (MR. EBY) You are testifying from recollection, not from your original report ?

A No, sir.

Q Who gave the written report, Lieutenant Williams ?

A Yes, sir.

THE COURT: You did not make out any report ?

A No, Lieutenant Williams made it out.

THE COURT: If no one else desires to examine the officer, he will be excused.

(Examination concluded.)

PHILIP RUMMEL, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION.

Q (MR. NILES) Where do you live now ?

A 728 S. Bond street.

Q You used to live at 132 S. Eden street, did you not ?

A Yes, sir.

Q When did you move from 132 S. Eden ?

A When I lost the money --

THE COURT: When did you move is the question.

A I moved, this Monday coming, will be two weeks.

Q (MR. NILES) That is to say about 10 days ago ?

A Yes, sir.

Q You are the husband of Mrs. Bessie Jones Hummel ?

A Yes, sir.

Q You married her when ?

A The 22nd day of July.

THE COURT: Last year ?

A This year.

Q (MR. NILES) 1935 ?

A Yes, sir.

Q What do you do for a living ?

A I work for the Baltimore City Sewerage.

Q What is your position ?

A All-around man, laborer.

Q What is your pay ?

A \$18 a week.

Q How long have you held that position ?

A About a year.

Q What did you do before that ?

A I worked for the Baltimore Street Cleaning.

Q What position ?

A Same thing, laborer.

Q Same pay ?

A Same pay.

Q How long did you hold that job ?

A I have been there about a year and a half.

Q What did you do before that ?

A I worked in the Highways -- off and on, I worked for the City of Baltimore, 7 or 8 years, off and on -- and when they lay you off, you don't work regular, but --

Q Recently, you have only been getting three or four days a week ?

A Yes, on account of bad weather.

Q Does that mean you get less than \$18 ?

A The full week's pay is \$18 -- that is 40 hours a week.

THE COURT: You don't get \$18, when you only work 36 hours ?

A No, sir.

Q You get paid so much by the hour ?

A The hour.

Q (MR. EBY) How much ?

A Forty-five cents an hour.

Q You reported the burglarizing of your premises, at 132 South Eden street, on September 2nd ?

A Yes, Labor Day, on Monday.

Q You reported that to the Eastern Police Station ?

A Absolutely.

Q What did you report, as having been stolen ?

A The money was stolen, and it was supposed to belong --

THE COURT: He wants to know not what the real facts are, but what kind of report you originally put into the Police Department.

A I told the police that \$3100 was stolen, in money, all paper notes, \$20, \$50, \$5, \$10, and \$100 bill, and then some of the gold coins in a small box, and paper was --

Q In the first report to the police, reporting about the loss of \$3100, did you, in the first report, say anything about any gold at all ?

A Not as I can remember.

Q Then when they came up to investigate the loss of this \$3100, did you, afterwards, for the first time, say anything about \$500 in gold coins ?

A I don't think I made any statement like that; I think Mrs. Rummel told the Officer, told Lieutenant Williams about the difference.

Q You did not tell him anything at all about the gold coins, when you made the report ?

A No, sir, I can't remember my saying it, but I know that Mrs. Jones told him.

Q (MR. NILES) How did you say that the \$3100 belonged to you ?

A It was supposed to be under my possession.

Q What do you mean by that ?

A Mrs. Jones had made an offer -- she wanted to buy a home, you understand, out here on the Belair road, out here at Overlea, Maryland, a home, and the ground was supposed to be --

Q I am asking you how did you tell the police the \$3100 belonged to you ?

A The way Theodore said --

Q I ask you how you told the police the money belonged to you ?

A I told them it belonged to me -- that is the statement I made to the officer -- no difference, just exactly as I said.

Q Did you tell them it was a life's savings ?

A Yes, I told them because Theodore told me I should say the same statement, life savings.

Q Theodore told you to say that ?

A Yes, sir.

Q When did he tell you ?

A At home.

Q On what day ?

A On that same day.

Q The day of the burglary ?

A The same day of the burglary, when we were supposed to go down to the police court -- Lieutenant Williams said we had to go down to the police station, and make a statement down there, about the money being stolen.

Q And Theodore told you to say it was your life's savings?

A Yes, sir.

Q So you did say it ?

A Yes, sir.

Q But you did not mention the gold at first ?

A No, sir.

Q In fact, you did not mention it ?

A No, sir.

Q Now, later, you told Lieutenant Williams it was not your life savings ?

A After Teddy said it, Lieutenant Williams said, Mr. Hummel, why did you say that -- it is not your life's savings -- it was because Teddy told me to say it, but to be frank with you, and honest -- it was the way Teddy told me to say it, and I went according to the boy -- I knew I did not steal anything -- according to my step-son's statement, it would be all right, to tell the truth.

Q Why did you tell a lie about it first ?

A I thought it would not be a whole lot of paper reading-- right when the crime was committed, when you tell a thing of that kind, that it would be for the boys -- Teddy gave the money to take and pay on this home.

Q You knew where the gold came from ?

A They were telling me they found it, the second find -- they did not tell me the day when they found it, but it has not been so long that this money -- they got this bunch of notes from the man that bought the coins --

THE COURT: Now, see if I am right. The \$3100 that you had in notes, was money that you got from Theodore Jones ?

A Yes, and his mother.

Q And he told you he got \$3100 in bank notes, paper money by the sale of the gold coins that he found the second time in the pot in the cellar ?

A That is it, just the thing.

Q And he wanted you to keep or hold this \$3100 to buy this home out in Overlea for his mother ?

A Yes, sir.

Q Then someone came and stole it out of the house, you think ?

A That night -- we were going out --

Q I don't want the details; did you think someone stole it?

A I think someone stole it -- sure, someone must have stolen it.

Q You think someone stole it ?

A No think about it -- someone did steal it -- I feel someone stole it.

Q You just acknowledged the loss of the money that you got from your wife --

A Yes, sir, and I can prove --

Q Now, one moment. When and how did the \$500 gold come

up -- did Theodore Jones tell you there was \$500 besides ?

A No.

Q Who told you that ?

A My wife, when she made the statement to the police.

Q Did you ever see the \$500 in gold coins ?

A No, sir.

Q Did you have \$500 from her in this wad of \$3100 ?

A I never knew the \$500 was connected with the \$3100.

Q Did you ever see it ?

A No.

Q Did you ever count the paper money ?

A Yes, sir.

Q Was it all paper money ?

A I counted the paper money two or three times --

Q How much was the paper money ?

A \$3100, like I said before.

Q Did you have from your wife, or Theodore Jones, anything more than the \$3100 in paper money, at any time ?

A Sometime they must have had -- I know it was \$3100 --

Q Answer my question -- did you have anything but the

paper money in your possession, that you were keeping for them ?

A No, sir.

Q Did you ever have any gold in your possession that you were holding and keeping for them --

A No, sir.

Q Then you knew nothing about the \$500 ?

A No, it was their secret between Henry and his mother -- when they said there was -- they never said --

Q You knew nothing about the alleged \$500 in gold that you afterwards told the police had been stolen with the \$3100 in paper money, except what Mrs. Rummel and your step-son told you ?

A No, I did not know anything about it.

Q You never saw the gold ?

A No.

Q (MR. NILES) Did you ever see any gold in their possession ?

A I have seen gold there when Mr. Merrill was there, which he had bought some of it.

Q Tell us something about that.

A Mr. Merrill came there and paid four or five friendly visits, and he mentioned about this gold, and I said, You don't know who he is, or anything --

Q How did he know they had the gold ?

A I don't know how he found it out; he might have found it out through the newspaper description of the place, and know that was Mrs. Bessie Jones.

Q He came down there ?

A He came down four or five times, friendly visits -- this was before I was married, you understand -- he came down and was talking there -- I said to Bessie, some evening that you have time, it is best I should go to work and go with you to this office building, where this man is at -- he is supposed to be in the American Building, as he made the statement to Mrs. Bessie Jones --

THE COURT: What Mr. Niles wants to know and I want to know, at the time when Merrill was making these friendly visits to the house, and you went and looked up to see who he was, and where he came from, did you know your wife had a lot of gold coins in the house ?

A No, sir.

Q You did not know she had ?

A No.

Q Why did you think Merrill was coming there on these friendly visits -- what was he talking about ?

A When she told me afterwards, she was going up to see him, I said, What does he come down here for, and she said this man is going to buy some gold, and I said, What gold, and she said, You know Theodore found some, and I said, Where -- I thought it was the first find, that you said Harry O. Levin has it -- it is still in Court -- I never knew he found any a second time, why did you not tell me he found some the second time, and she said, Yes, Theodore and Henry Grob found some more in the cellar, but when she said, I don't remember the date, but they found it --

THE COURT: Did she say how much ?

A A bunch of it.

Q Did she say how much ?

A No.

Q Just said they found a bunch of it ?

A They distributed part of it, two or three they gave away and separated it --

Q Divided it ?

A Yes, sir.

Q But did not say how much they found ?

A Did not say the amount, no, sir.

Q (MR. NILES) When did Mr. Merrill first start to come there and pay his friendly visits ?

A He came down along about, I believe, in July -- some-
time in June.

Q Back in May ?

A No, not May, June and July.

Q How do you remember it was June and July ?

A I remember it, but I just could not remember the day.

Q You are sure he came in June ?

A June and July.

Q And he talked about buying gold ?

A Yes, sir.

Q You heard him talk about buying gold ?

A Yes, sir.

Q And what did he say -- was he anxious to buy it, or were

you anxious to sell it ?

A He said he wanted to buy some of it.

Q What did your wife say ?

A I thought it was all right when we found where his office was, I thought it was very good and turn around and give it to him for paper money -- I thought it was all right -- she said, Do you think it is all right, and I said, I think it is all right, if the man can buy it; he is in business, we know who he is -- he said not to worry about it, that there would not be anything said about it -- it was only him and his partner -- I don't know who the other man was -- but I could show you him, if I could see him.

Q You have testified that two men came down ?

A Yes, sir.

Q The one that had the money and the other one that did the talking ?

A Yes, sir.

Q Do you know their names ?

A I know Yale Merrill.

Q Did he do the talking ?

A He was supposed to be the buyer, and the other man was supposed to be the money man.-- Yale Merrill bought it, and Mrs. Jones took possession of the money every time he paid it, and I counted it to see if it was there -- the money was supposed to be in paper for gold -- I was there twice.

Q (MR. NILES) You were where twice ?

A Home, 132 S. Eden street.

Q Did you go to the American Building at all ?

A Once.

Q Where was the office in the American Building ?

A I believe the third floor.

Q Was there anything on the door ?

A Yes, Publishers and Printers.

Q Was there a name on the door ?

A Merrill.

Q Just Merrill ?

A Yale Merrill and several names on it, besides that one name -- I just cannot recall those names, but I know those names were on the door in the American Building.

Q Who went with you ?

A Mrs. Jones.

Q How about Theodore ?

A No, Theodore was not there.

Q Did you take any gold along ?

A No, sir.

Q When you actually sold the gold, Mr. Merrill and someone came down to your place ?

A Yes, sir.

Q How many people came ?

A Just those two.

Q They were both there ?

A Yes, Merrill came several times by himself. He has been there off and on; he was there more visits than he received gold; he has been there at least three times -- he was there twice in my time and once more after that.

Q There were three sales of gold there ?

A Yes, sir.

Q The first one was how much ?

A I believe \$500.

Q How much did you get for that ?

A That is supposed to be \$1.25 for each \$1, and that made \$650 or \$625 -- yes, \$625.

Q How much did you sell the second time ?

A \$1000 -- that is supposed to be \$1250.

Q How much was the next sale ?

A The next time -- I was not there; I was there the first time and the third time, but not the second time -- the first was \$500, and the second was \$1000, Mrs. Jones told me, and the third time I was there, and it was another \$1000, and that made \$1250 -- they were there altogether three times, and that makes about \$2500 -- one time \$500, another time, \$1000, and another time, \$1000.

Q How much was left over ?

A That is all they got.

Q (THE COURT) How much gold did Mrs. Jones have left over when she sold the \$2500 worth ?

A I don't know that she had any.

Q Did she sell any more to Merrill ?

A She said it is no more, and don't pester me any more --

Q She told who that ?

A Mr. Merrill. He worried her -- if you don't give it to him it will be -- give it to him, sell it to him -- it would not be any harm selling it to him, he would give her nice cash money, it would be in his hands and not worry about it -- he always said, don't worry about it, why worry, give it to me and I will give you nice cash money, and I thought the fellow would give her counterfeit money and I took the money and rubbed it in my hand to see if the green would come off, but no green came off.

THE COURT: No green came off ?

A No, sir.

Q All green backs ?

A All good money.

Q Were there any gold notes in it ?

A No, sir.

Q (MR. NILES) Now, this money was kept in the house, was it not, during the time Mr. Merrill was there buying it ?

WITNESS: Sir ?

MR. NILES: You kept it in the house while

Mr. Merrill was trying to buy it ?

A Yes, sir.

Q You kept it where ?

A First she kept it in the cupboard --

THE COURT: Did you see it ?

A No, I never saw it, but Mrs. Jones told me it was.

Q She did not show it to you ?

A No, she said it was in the cupboard --

Q You walked in there when Theodore and Mrs. Jones was washing it and they told you to go in the back room ?

A I went there every day; I thought it was my privilege to go -- all the officers in the Eastern police station knew me well and I thought I could come there, and one evening I came around there from work, and I rapped on the door, and I said, What in the devil is this, I can't get in, it seems to be something funny -- I knew Mrs. Jones for years before that, and they were whispering, and I said, What is the matter, and they said, come right through, and Teddy was up near the bed in the front room, and they had like covers over something, and I said, What is the matter, you

never held secrets for three years, why do you hold them now, what in the duce is wrong here -- she never said anymore about it, so finally Henry disappeared and Theodore -- they both went out, and I said, why don't you come clean, and they were having a conference about something --

Q That was all before Mr. Merrill started to come down to Mrs. Rummel?

A Yes, sir.

Q How long before that ?

A Oh, about a month. I think I can figure back -- sometimes I can figure -- I wish I would have made a memorandum.

Q Now, you went to Pittsburgh with Mrs. Rummel ?

A Yes, sir.

Q Did you take the gold along ?

A Yes -- No, I took the money along.

THE COURT: Was it in gold ?

A No.

Q You had sold the gold when you went to Pittsburgh ?

A Yes, sir.

Q You knew what you had ?

A Yes, thirty one hundred dollars.

Q When was that ?

A It was sometime in July.

Q Back in July ?

A Yes, sir.

Q That was after the gold had been sold ?

A Yes, sir.

Q Why did you go to Pittsburgh ?

A I went to Pittsburgh because I wanted to see her son.

Q Why did you take all that money with you ?

A I thought it was best to take it along.

Q And you put it into a safe deposit box in Pittsburgh ?

A No.

Q You did not get a safe deposit box ?

A No.

Q What did you do in Pittsburgh with it ?

A I took it along, put it in the back of the car.

Q You carried it in the back of the car ?

A Yes, in a satchel about so big; I thought it was best

to take it along, because everything was in the news-

paper and I was afraid someone would go and steal it, so I went to Pittsburgh with Mrs. Bessie Jones, and it was also a daughter in Pittsburgh -- 1729 Warren street.

Q That is Mrs. Rummel's daughter ?

A Yes, sir.

Q That is not Eugene ?

A No.

Q What is her full name ?

A Her name is Thelma.

Q What is her last name ?

A Darn if I know her last name.

Q Your own step-daughter and you don't know it ?

A I know her name but I just can't recall it now.

Q (THE COURT) Did you know before you got to Pittsburgh she had this daughter ?

A Yes, she has been to Baltimore and paid a visit.

Q Is she married ?

A Yes, she is married.

Q (MR. NILES) She lived at 1729 Warren street ?

A Yes, sir, but I don't know just where the boy lives; I would not say that -- he was at the Western auto

Service, he is an automobile man -- that is a garage, that is the name Western Automobile Service, I think it is on Arch street.

Q Do you remember what Mrs. Jones daughter's name is now?

A Hallenbaugh.

Q She lives 1729 Warren street ?

A Yes, sir.

Q Did you not tell Lieutenant Williams that you had put the gold in a safe deposit box in Pittsburgh ?

A No.

Q You did not tell him that ?

A No.

Q Did Mrs. Rummel tell him that ?

A I don't know.

THE COURT: You did not hear your wife tell him that ?

A No, I never heard her make that statement.

Q (MR. LILES) Did you not tell Lieutenant ^{Williams} that you rented a safe deposit box and paid five dollars ?

A No, I never told him I had put any money in a safe deposit box in Pittsburgh -- I can't say I made such

a statement, if I did, I am a darn liar.

Q You did not tell him ?

A No, sir. The money was stolen, and if I had put it in the box, it might not have been stolen, and I ought to have done it.

Q Did you not go back three or four weeks later ?

A No. I only paid one visit in Pittsburgh in my life, and that was July of this summer, and I stayed in Pittsburgh there with her daughter, and the son, used to go and visit in the evening.

Q (THE COURT) When you went on the visits, what did you do with the grip in the back of the car ?

A It was taken out of the back of the car, and put in the possession of her daughter then, and she didn't know any money was in the grip.

Q Whenever you went on a visit, you would leave the money in the grip with her, and she did not know what was in it ?

A No, sir.

Q You would not leave it at the garage ?

A No, it was not in the garage, it was under key.

Q You had a key to the grip ?

A Yes, sir.

Q And you brought it back with you ?

A Yes, sir.

Q What did you do with it then ?

A Brought it back home.

Q Where is it now ?

WITNESS: The grip ?

THE COURT? No, the money.

A It is stolen -- that is the money that was stolen, that is what he asked me for.

Q Was it in the grip when it was stolen ?

A No, sir, it was in a small box, inside a trunk, as I said before, so high and so wide, a wood box.
in

Q In a trunk/your room ?

A Yes, sir.

Q The trunk was locked ?

A Yes, sir.

Q Was it broken open ?

A Pried open.

Q (MR. NILES) What day did you go to Pittsburgh ?

A I cannot just recall the day, but I know sometime around about July.-- the week of July -- something like that -- the 4th of July.

(THE COURT)

Q /Before or after the 4th ?

A It was after the 4th.

Q (MR. LEVIN) You were married the 22nd of July ?

A Yes, sir.

Q Was it before you were married, or after ?

A It was after I was married, because I showed the clippings in the paper where I was married.

Q (MR. NILES) Let me tell you again -- Lieutenant Williams testified a few moments ago, that you went up to Pittsburgh twice, once to put it in the safe deposit box, and once to get it again ?

A No, sir.

Q You never said that ?

A No, sir.

Q (THE COURT) And you never did that ?

A No, I just went once, not any twice.

Q (MR. NILES) You said, I believe, in regard to Mr.

Merritt, there need not be any talk --

Merritt

A Need not worry about it, everything was all right,
not to worry about it.

Q What was there to worry about ?

A Not to worry about it, it was all right, he was a dealer
and he had authority to get gold, and I thought it was
all right. Mrs. Jones said, Do you think it is all
right to give it to him, and I said, He said not to
worry, he is a business man, he is not a quack; I
thought it was all right; I did not think he was a
boy, he was three sevens.

THE COURT: Three sevens ?

A Twenty-one years old -- it is not a boy I am dealing
with, he ought to know right from wrong.

Q (MR. JILES) Was Theodore there when anything was sold ?

A Once.

Q Which sale was that ?

A The second sale, I remember.

THE COURT: That is the one you were not there?

A Yes.

Q But you understood Theodore and his mother were there ?

A Yes, sir.

Q When Merrill bought the second lot ?

A Yes, sir.

Q You were not present at the second sale ?

A No, sir.

Q (MR. NILES) You knew the gold in the possession of anyone ought to be turned into the possession of the United State Government, didn't you ?

A No, I did not know it.

Q You did not know it ?

A No, I did not know it.

Q Now, you saw these gold coins ?

A Yes, when they were laying on the table.

Q Did you know the dates of any of them ?

A No.

Q Were they old or new ?

A They were old money, from what you could see, it was old gold.

Q (THE COURT) Why do you think it was old ?

A You could see it was old; it had stars on it, very large stars.

Q What do you mean by stars ?

A Stars, like around the corner, round money, stars around it, like --

Q Why did that indicate it was old ?

A It looked old to me -- it was green.

Q Did you judge it from the color, or the stars ?

A From the stars and the color, it was green, corroded.

Q (MR. NILES) Did you see the container that the gold was found in ?

A Yes, sir.

Q What did it look like ?

A It looked like it was made of galvanized bucket, or something like --

Q How big was it ?

A About so big, so wide (indicating).

Q Where did you see it ?

A At home, they had it laying at home.

Q Where did you see it ?

A Upstairs on the second floor.

Q Who had it ?

A It was laying on the trash can.

Q Where is it now ?

A I threw it on the dump.

Q Who threw it ?

A I did.

Q What dump ?

A Out on the trash can, and the City garbage came and took it.

Q Why did you throw it away ?

A I did not think it would be needed -- it was on the trash can.

Q Was it in good condition ?

A No, all rotten, like tin -- it gets rusty.

Q It was not copper ?

A No, it was galvanized -- like a galvanized bucket.

Q Did it have a handle on it ?

A No, sir.

Q How did it open ?

A It looked like it was ready to fall apart.

Q Did it have a top on it ?

A No, sir.

Q Did it look like it ever had a top on it ?

A It don't look like anything was on the top --

Q Can't you give a better description of it ?

A No, it looked like something ready to fall apart -- it was just rusting away, and it was as green as grass.

Q Did Theodore give it to you ?

A Theodore did not give it to me.

Q In whose car did you go to Pittsburgh ?

A My own.

Q What kind of car is it ?

A A Plymouth.

Q When did you get it ?

A Sometime in July, I guess, of this year.

Q Of this year ?

A Yes, I think in July.

Q What money did you use to buy it with ?

A Money I had laying around the home.

Q Just laying around ?

A Yes, sir.

Q You mean money Mrs. Rummel gave you ?

A Yes -- Theodore must have given it to her to buy the car.

Q Who did you buy the car from ?

A Walter Scott.

Q (THE COURT) How much did it cost ?

A Supposed to cost \$710 or \$728.

Q Was it a new car ?

A Yes, sir.

Q You understood Theodore gave the money to his mother,
and she gave it to you to buy the car ?

A Yes, sir.

Q What kind of money was it ?

A Paper notes -- Walter Scott, his own son, can tell you
that, I bought it from the son.

Q In whose name is the title ?

A My name -- Theodore is too young to own it. Walter
Scott said he would not sell to a child, Theodore was
only a minor, and Mr. Scott said he thought it would be
all right, if I bought it. Theodore said, You have it
in your name, and I said, Why do you want to put it on
my name -- you take it in your name, you are all right,
you are my father --

Q It was put in your name ?

A Yes, sir.

Q Paid for in cash ?

A Yes, sir.

Q Theodore now drives it ?

A He don't drive it; he has not the right. The Officer said it is according to the law, he should not drive it unless he has a license -- that is the law, and if he didn't obey the law, he would be punished, and I told him he should not drive it, if he drives it, he will have to serve a term, and I am not going to fight for him and get myself into it --

THE COURT: How old is he ?

A Going on 17.

Q He is old enough to get a license ?

A Yes, he is old enough, but he has to have a learner's card. He had one, and that expired, and when the trouble came on about the money, he did not get it the second time -- he should have gotten it within 15 days, that is the rules and regulations of the State Traffic.

Q (MR. NILES) But he has been driving it now ?

A Yes, he has been driving with an operator as an escort.

Q When Mr. Merritt came down and bought the gold, was

that day time or night time ?

A During the day and during the evening.

Q How about the first time ?

A It was around between 6 and 7 o'clock, the man made his arrangement between 6 and 7.

Q Did he come back in the evening ?

A That was day time.

Q The first sale would be in the evening, when was the second sale ?

A I was not there -- he made the arrangements between 6 and 7 in the evening.

Q That happened to the gold coin that they took away, where did they put that ?

WITNESS: Which gold coin ?

MR. NILES: You got paper money, did you not ?

A Yes, sir.

Q And they got coins ?

A Yes, sir.

Q What did they do with the coins ?

A They put it in their pocket in a paper bag. They came in a Chevrolet car, but they never had it parked there

at that corner -- I think it was further around the corner on Lombard street, right near Spring Gardens.

Q He never parked the car in front of your home ?

A Never -- only once, and they got no money that time.

Q Did he tell you why they parked away from the house ?

A No, he did not.

Q Did you ever take the number of the car ?

A I got part of the number -- I can recall 181, and the other one I cannot recall. 181, and then it was 86 or 84 in front of that, a Chevrolet car, Maryland license, white tags.

Q When did you take that number ?

A My wife told me to get that number, and I put it down on a piece of paper.

Q Have you got that piece of paper ?

A That piece of paper, I must have pulled out at the time when I pulled the handkerchief out to wipe my nose, but I remember the 181 -- first 84 or 86, it was a Chevrolet car, about '31 or '33 -- it was not a new car.

Q A touring car ?

A It was not a touring car, it was a sedan, because I

rode in it.

Q Where did you ride ?

A I rode out to Canton with him.

Q What for ?

— 1212 S Highland

A He wanted to know if anybody else had any kind of coins, so I said to him, I will ride out with you and show you a place, because Mrs. Grob is a person that gets a little excited, and she might be sick and I don't want to have any hard feelings with her, but maybe she can sell you some, I think it is all right, you are a good fellow, and he said, All right, I will go out there, and he went up there, and I said, Don't get excited, talk to that lady nice; I know that lady for a long time, and I think she is all right, and you can go and try. He went out and came back in an awful hurry -- I said, What is the matter, he said she looked like she was going to throw a brick-bat, and I said, you did not talk to her nicely, and he said the best thing he could do was to stay away -- she did not want to have anything to do with him and slammed the door -- I did know know whether it was a fake story that he was going

to buy some, or that he made arrangements to buy --
that might be his gag.

Q You took Mr. Merrill out to see Mrs. Grob ?

A I took him out -- I stayed on Boston street.

Q Was that after the first sale to Mrs. Hummel?

A Yes, after, we were there. He said he had to get more
money somewhere, that a friend told him he had to get
more, the fellow that started out in this wanted more,
he wanted some in a lump, and he had to have some --

Q How much money was turned over to Theodore ?

WITNESS: Of the last money, of the gold,
paper or what ?

MR. NILES: Altogether.

A Supposed to be altogether what I was told, was \$4000.

Q You mean \$4000 was the total amount of gold ?

A I don't know whether it was \$4000 -- Mrs. Jones told me
that.

Q \$4000 altogether was what Mrs. Jones and Theodore had
out of the second find ?

A Yes sir.

Q You did not see it ?

*Good
move
to take
summary
135*

A No, sir. Mrs. Jones did not tell me; she told the officer, that is one thing I held back from my husband--I never told my own husband, I don't know why I done that.

Q Are you sure you have not got your figures mixed, and that is was a total of three thousand dollars sold --

A She might have got more than twelve hundred and fifty dollars -- Mr. Merrill told me one thousand dollars--

Q You might have sold three thousand dollars and got four thousand ?

A It was supposed to be twelve hundred and fifty dollars for one thousand dollars -- one dollar and a quarter for a dollar, and for one thousand dollars I can figure myself that made twelve hundred and fifty dollars.

Q You are not sure about your figures ?

A I can figure alright.

Q You might have sold more than fifteen hundred dollars ?

A He may have given her more than that, but he told me twelve hundred and fifty dollars for one thousand dollars, that was fair enough.

Q (THE COURT) Do you know whether more than \$2500 in gold was sold ?

A Yes, I know it was \$2500.

Q We want to know if you know if any more than \$2500 in gold was sold?

A The first was \$500 --

Q You told us that. We understand that is gold Mrs. Jones had ?

A And there is \$1500 -- that made \$1750.

THE COURT: You have told us that.

Q (MR. NILES) How much did Theodore get ?

WITNESS: Altogether ?

MR. NILES: Has Theodore got any money out of this ?

A Not as I know of.

Q You say there was \$3100 stolen and \$780 paid for the automobile ?

A Yes, sir.

Q And that was from the proceeds of the gold ?

A Yes, sir.

Q Theodore has never got any money out of it ?

A No, sir.

Q That is right ?

A That is right.

Q Now, Mrs. Frances Rummel, who is she ?

A My sister-in-law.

Q She lives 311 South Bond Street ?

A Yes, sir.

Q And she sold some gold from the original find ?

A From the second find.

Q How much ?

A \$185.

Q How did that take place ?

A That took place -- a man came around there, he was
a tall man --

Q Was that Mr. Merrill ?

A No, sir.

Q Was it Mr. Merrill's brother ?

A No, sir, taller than any man in this building, as far
as I can see, a very tall man, very old man, he was
bent over -- I know he is a tall man and bent over,
and when he came in --

Q Were you there ?

A He said to Mrs. Rummel several times, I am buying in the street, I am buying old gold --

MR. LEVIN: Can you fix the month when that took place ?

THE COURT: Before you went to Pittsburgh ?

A Yes, sir.

MR. LEVIN: Before you were married ?

A Yes, sir.

Q Was it this summer ?

A This summer--that was sometime in July or June.

Q (MR. NILES) Before the decision of the Court of Appeals ?

A Yes, sir.

Q Before the decision of the Court of Appeals ?

A Yes, sir.

Q When was the decision of the Court of Appeals ?

A That was long before -- a couple of months time or three months -- Mr. Harry O. Levin --

Q You really don't know when Mrs. Frances Rummel sold the \$185 ?

A It was off and on -- when my brother was in his bed

with a broken back -- my brother had a broken back and he was in his bed -- Mrs. Jones took it up there -- this old man came around and said he was buying old gold and old money -- the way he talked he was a licensed man -- he was in business , and he always talked in Jewish.

Q What is his name ?

A I don't know his name -- he would go out and say like this sh-- say nothing.

Q You saw him do that ?

A Yes, every-thing is O K.

Q He bought how much ?

A \$185.

Q How much did he pay for it ?

A Dollar for dollar.

Q When did your brother hurt his back ?

A The 20th day of October last year.

Q How long had he been sick when this old man came around ?

A He had been in bed a couple of months.

Q Then that \$185 in gold was sold last winter ?

A Yes, in bed.

Q Not this summer of 1934, but the winter or spring of 1935 ?

A Well, he was in bed.

Q He had been in bed a couple of months when the sale took place ?

A Yes, sir.

Q In other words that was January or February of 1935 that the \$185 in gold was sold to this tall old man ?

MR. LEVIN: That is what you say.

MR. NILES: Is that what you say ?

A Yes, something like that.

Q (THE COURT) Where is this old man now ?

A I don't know --- I heard the old man was dead.

Q You heard he was dead ?

A Yes, sir.

Q How old did he look to be ?

A About 80 -- 70 or 80.

Q (MR. NILES) Just one more question -- you say in the sale of this gold Mr. Yale Merrill did the talking ?

A Yes, sir.

Q Who passed the money ?

A Mr. Male.

Q Same man ?

A Yes, sir.

Q You said there were two men present ?

A Yes, sir.

Q The other one was who ?

A A heavy-set fellow.

Q Is he in there now ?

A Yes, sir.

Q Do you think his name is Merrill ?

A I don't know, but this one was named Merrill and he was supposed --

MR. SOBELOFF: I will say that his name is Earl, and they were there at the time this occurred -- there will be no dispute about that.

THE COURT: Are both in there ?

A Yes, sir.

MR. SOBELOFF: There is no dispute about that, Mr. Niles.

WITNESS: The one with the gray suit of clothes on, he was the gentleman, but I don't know the name.

Q (THE COURT) Is the other man that was with him in there ?

A Yes -- he was with him.

Q (MR. LEVIN) Do you know when this second find was supposed to have been made ?

A As far as I can figure back, sometime in May.

Q You were married July 22nd ?

A Yes, sir.

Q And you think it was found in May?

A Thy, sure.

Q How do you know it was May ?

A Mrs. Jones and Teddy told me sometime in May it was found.

Q You think it was in May ?

A Yes, sir.

THE COURT: That is what they told you ?

A Yes, sir.

Q (MR. LEVIN) You were married July 22nd ?

A Yes, sir.

Q And then about two months after you were married --

A Long before I was married -- a couple of months.

Q What I want to get straight is, do you remember when the first money was found ?

A Yes, sir.

Q When was that ?

A The 31st day of August, 1934.

Q According to what you say they found it the second time this year ?

A 1935.

Q When this \$185 sale was made by Mrs. Frances Rummel, the sister-in-law, when was that made, was it before the find that they told you about in May, or after that ?

A It was in May -- I know my brother has a broken back --

THE COURT: The \$185 that Frances Rummel got -- Mr. Levin wants to know before the boys were supposed to have made the second find ?

A That was supposed to be from the second find.

Q Was it before they found the money in May ?

A No, sir.

Q (MR. LEVIN) You understood the sale that was made by Frances Rummel was out of the second find ?

A Yes, sir.

Q You never before that heard of any money being held out of the first find ?

A No.

Q You never understood that any of the money sold was part of the first find ?

A No.

THE COURT: That did you mean by the statement you made to Mr. Miles, in trying to fix the time when Frances Rummel sold the \$185, you said your brother was sick in bed, and you thought it was a couple of months after he broke his back, and you said that happened in October, and stated a couple of months after that would be January or February -- you said something like that.

A Yes, sir.

Q If that is when it happened, that would be four or five months before they found the second pot -- you said they told you they found it in May ?

A That is what they told me, in May.

Q You left us under the impression that the Frances Rummel sale of \$185 to the old Jewish man was sometime back

in the winter. Do you fix it in your mind before or after the boys claims to have found the galvanized can or container ?

A It could be that time.

Q What do you mean ?

A The time of the second find.

Q After the second find ?

A Yes, sir.

Q The \$185 was supposed to come out of the second galvanized can of money found the second time ?

A Yes, sir.

MR. SOBELOFF: Do you know how Mr. Merrill happened to come to your house, to try and buy some coins ?

THE COURT: He said he did not.

A He came there as a visitor, and he said --

Q How did he happen to find the place to come ?

A He did not state.

Q Did he state he heard Mrs. Jones was selling some gold coins ?

A No, he never said.

Q Did you happen to ask him how he came to come there ?

A I had no reason to ask -- I thought it was for Mrs. Jones to ask -- I was not Mrs. Jones' husband at that time.

Q Did you know of any sales of coins by Mrs. Jones ?

A No, sir.

Q Did you make any sales of coins, other than to Merrill?

A No, sir.

Q Do you know of anybody else that made sales of coins ?

A No, sir, I don't know.

Q Where did Mrs. Jones get the money to buy the Plymouth ?

A I don't know where they got the money, but I know the money was given to Mr. Walter Scott.

Q When was the Plymouth bought ?

A I don't remember the date; but I have a paper to show in my --

Q Have you the registration card with you ?

A No, I have not.

Q When did you find out that Mrs. Rummel had the money with which you could buy the Plymouth car ?

A I found it out a long time -- about July.

Q In July ?

A I think in July.

Q That was after the second find ?

A Yes.

Q After the second find, you learned she had money ?

A Yes, sir.

Q And did you find out from her where she got the money ?

A Yes, she said from the second find.

Q She said it was from the second find ?

A Yes, and Mr. Merrill gave her the money.

Q You said the money from Merrill was the money that was stolen ?

A It was stolen, \$3100 of it.

Q The money that was stolen could not buy the Plymouth ?

A There may have been more in circulation someplace.

Q If there was more money in circulation --

THE COURT: The Plymouth was bought long before the so-called burglary, which took place in September.

A The Plymouth was bought in July.

MR. SORELOFF: You said in the burglary, \$3100 was lost ?

A Yes, sir.

Q If the money you got from Merrill is the money that was stolen --

A Yes, sir.

Q Then the Plymouth money must have come from some other place ?

A I got it from Theodore.

Q Where did Theodore get that money ?

A I don't know where he got that money.

Q You said a while ago, you understood it came out of the sale of coins from the second find ?

A It must have been.

Q If there was lost \$3100 and \$600 or more paid for the car, that would make it close to \$4000 -- you understood the whole second find was around \$4000 ?

A Yes, sir.

Q Do you mean the face value ?

A I don't know whether \$4000 at face value -- Mrs. Jones did not tell me how much was found.

Q She did not tell you ?

A No, sir.

Q And you did not ask her ?

A I had no right.

Q You know there was some other coins sold besides those sold to Merrill ?

A Some that were given to Mrs. Rummel.

Q I don't mean the \$185, but some larger amount.

A No, I don't know.

Q Do you remember telling Merrill that you had gotten, or Mrs. Jones had gotten a larger price for coins than he was offering ?

A No, sir.

Q You did not say that ?

A No, sir.

Q Are you sure you did not say that ?

A No, sir, I did not.

Q Did you have any dispute with him about what amount he was to pay ?

A No, I never had any dispute, or anything of the kind, never had a dispute and never had an argument, he was to get so much and get out -- he came there most friendly, and he wanted it, and we always told him to come

back, we did not give it to him right away -- we held him off.

Q Why did you do that ?

A We just thought we wanted to find out if he was all right -- he always came back and my wife said, Do you think it is all right, and I said, If you think it is all right, do it -- I am not your husband --

Q Was it talked over in the presence of the boy ?

A Yes.

Q He was present, and he was willing, and the mother was willing, and you were willing ?

A He was willing, and I thought it was all right -- Mr. Merrill was a business man, and I thought it was all right for him to have it.

Q And all three were present ?

A Yes, sir.

Q And the money was turned over by the mother ?

A Yes, sir.

Q You are sure you don't know where the Plymouth money came from ?

A I know Theodore had it in his possession, to pay for it.

Q But you don't know from whom he got it ?

A He must have got it from home; he went in the house and got it.

Q From what person that money came, you don't know ?

A No, I really don't know where he got it from, where Theodore got it from, but I know it came from the house.

Q Do you remember telling Mr. Merrill of the sale of some coins to a man with a money-belt ?

A No, sir.

Q Did you sell some coins to a man with a money-belt ?

A No, sir.

Q Do you know whether anybody did ?

A I never even saw a man of that kind.

Q Do you remember hearing it said to Mr. Merrill, either by yourself, or Mrs. Rummel, or anyone else, that some coins were sold to a man on East Baltimore street ?

A No, sir, I don't know about that.

Q Was there any talk with Merrill about the sale of coins to other people ?

A No, sir, I don't know anything about that. I would like

to know who is the man with the money-belt.

Q That is what I would like to know -- how many times did Merrill come back before you sold him ?

A Seven or eight times.

Q What reason did you give ?

A I said I don't want to be pestered. Teddy had some friends, and I did not think it was right for kids to see what was going on, kids should not know a whole lot about it, they will go out and say things.

Q Did you encourage Merrill to come back ?

A I said to Merrill to come back some other time. He never got aggravated, or anything, he always came back like a friend -- he did not like it that he had to come back.

(Examination concluded.)

MRS. BESSIE RUMMEL, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION.

Q (THE COURT) Were you Mrs. Jones at the last hearing ?

A Yes, sir.

Q Since married to Mr. Rummel ?

A Yes, sir.

Q You are the mother of Theodore Jones ?

A Yes, sir.

Q (MR. NILES) When you went to Pittsburgh with the money with Mr. Rummel, you paid \$5 for a safe deposit box, did you not ?

A Yes, sir.

Q In what bank was that ?

A It was my daughter -- I did not pay the money, it was my daughter's safe deposit box I put the money.

Q What bank was that ?

A To tell you the truth, I don't know; it is a savings bank, I believe.

Q Your son's name is Eugene ?

A Yes, sir.

THE COURT: Where does he live ?

A To tell you the truth, he moved -- he lived in the rear of Arch street.

Q At the time, where did he live ?

A The rear of Arch street.

Q He was with the Western Auto Service ?

A Yes.

Q Mrs. Hallenbaugh, where does she live ?

A Warren street, 1917 Warren street -- no, 1729 Warren street.

Q (MR. NILES) It was Mrs. Hallenbaugh's safe deposit box you put the money in ?

A Yes, sir.

Q How long was it there ?

A Only there a week.

Q Then you went back the second time with Mr. Rummel and got it ?

WITNESS: Back to Pittsburgh ?

MR. NILES: Yes.

A No.

Q What did you do ?

A We brought it home with us.

Q Was it in gold or currency ?

A Some of each.

Q How much gold was it ?

A I never counted it.

Q How much currency ?

THE COURT: How much paper money ?

A I really don't know just the amount of it.

Q About -- you know how much money you took to Pittsburgh--
how much did you take with you to Pittsburgh ?

A Well, a --

Q Don't guess, you know how much you took ?

A \$2500, I guess.

Q (MR. MILES) In gold ?

A No, paper money.

Q How much in gold ?

A I told you we did not count it.

Q But you did count it ?

A No.

THE COURT: How many pieces of gold did you
have ?

A We never counted it.

Q Now, don't lie.

A It is no good to tell a lie -- I am not --

Q Did you have a few pieces ?

A What was gold, it may be a couple of thousand of it.

Q Is gold ?

A Yes, sir.

Q You said a couple thousand in gold, and \$2500 in paper-- you are making conflicting statements -- you are under oath and you have to tell us ?

A I said about \$2500 in paper money.

Q How much in gold ?

A Gold, I don't know, but it must have been about a couple of thousand -- it could have been.

Q Then it would be near \$5000 ?

A Something like that.

Q (THE COURT) You said about \$2500 in paper, and you say there was about \$2000 in gold ?

MR. NILES: About \$4500 altogether ?

A Yes, sir.

Q And you put that in Mrs. Hallenbaugh's safe deposit box?

A Yes, sir.

Q And that was in what bank ?

A I think it is the Dime Savings Bank.

Q How far was that from your daughter's home ?

A On the north side -- several squares from there.

Q How big a box was it ?

A It was a long narrow box.

Q How thick ?

A About this shape (indicating).

THE COURT: For the record, that would be about 18 inches long, and about 2 inches deep.

Q Is that right ?

A Something like that.

Q (MR. NILES) Did Mr. Rummel go with you to the bank, when you put it in ?

A No, sir.

Q Who did go with you ?

A My daughter.

Q That is Mrs. Hallenbaugh ?

A Yes, sir.

Q What did he do in the meantime ?

WITNESS: My husband ?

MR. NILES: He was home.

Q Then you went to get it, did he go with you ?

A Yes, sir.

Q He went with you when you got it ?

A Yes.

THE COURT: He did ?

A No, he did not -- he did not go with me either time.

Q (MR. NILES) You told him what you were doing with it when you went and put it in a safe deposit box, did you not ?

A Yes, sir.

Q And he knew it was there, and he knew when it came out--

MR. LEVIN: There is no question.

THE COURT: You are dealing with a certain type of individual, and when you put it in the form of a very strong suggestion, more or less emphatic, she shakes her head and assents to it -- ask her the question instead of saying it as a fact, and asking her to ~~or else admit~~ assent to it.

Q (MR. NILES) I think you said a few minutes ago you told your husband that you were going to take the money to the safe deposit box ?

A We took it there, so we would not lose it.

THE COURT: When you say we took it there,

are you talking about Pittsburgh ?

A To Pittsburgh.

Q That is what you mean -- you had it here in what ?

A We had it here in a chest.

Q How did you carry it to Pittsburgh ?

A In a suitcase.

Q How did you carry it to the safe deposit box that your daughter had ?

A In the suitcase.

Q You say your husband did not go with you to the bank ?

A No.

Q Did he know you were going to put it in the safe deposit box ?

A He knew we were.

Q Did he know you were going to take it out of the grip and take it to the safe deposit box, to keep it safe while you were in Pittsburgh ?

A Yes, sir.

Q (MR. NILES) Did he go with you when you went to the safe deposit box to put it in ?

A No.

Q Did he go with you when you took it out ?

A No, sir.

Q Did you not tell him that you were taking it to the safe deposit box at the time you took it there ?

A Yes, sir.

Q And did you not tell him when you went to the safe deposit box to take it out ?

A Yes, sir.

Q In what car did you drive to Pittsburgh ?

A In car we got.

Q The Plymouth ?

A Yes, sir.

Q And it was paid for by whose money ?

A With mine.

Q Which money ?

A That was gotten from the money.

Q That was gotten from the gold ?

A Yes, sir.

Q You gave the money to your husband to pay for it ?

A Yes, sir.

Q He paid, approximately, how much for it ?

A First, it was a second-hand car, and then it was turned in and paid the difference.

Q You mean you got two cars ?

A We bought a Ford and it went bad -- it was no good, and then a man came --

a150 p 176

THE COURT: You traded that in ?

A Yes, sir.

Q (MR. NILES) How much was the balance on the Plymouth car ?

A The whole thing was about \$700.

Q How long did you have the Ford before you traded it in ?

A I guess a couple of months.

Q Who did you buy it from ?

A I don't know that.

Q Who would know ?

A It came from Baltimore near Caroline someplace.

Q Then you turned that Ford in and got a Plymouth ?

A Yes, sir.

Q And you paid for the Ford, I believe, out of the proceeds of the sale of gold, did you not ?

A Yes, sir.

Q Now, how much gold did you sell altogether ?

A To this one man, we sold him \$2500.

Q Who do you mean by this one man ?

A Mr. Merrill.

Q Mr. Yale Merrill ?

A Yes, sir.

Q How much did you sell to other people ?

A A couple of different times -- we don't even know the man who bought it.

Q Before or after you sold it to Mr. Merrill ?

A Before.

Q When did you make the first sale ?

A Along in May.

Q When did you buy the Ford car ?

A In June.

Q When did you buy the Plymouth car ?

A Sometime in August, I believe.

Q When did you make your sales to Yale Merrill ?

A Sometime in June, or July and August.

Q Which was it ?

A Well, both -- two different times.

Q Was it June, July or August ?

A Three different times.

Q Were sales made to Merrill in June ?

A June, July and August, three different turn-ins.

THE COURT: How do you fix June, July or August -- are you just guessing ?

A Because we got the car out of the first batch of \$500.

Q After you had sold to Merrill, you got the car ?

A Yes, sir.

Q When did you get the car ?

A In June.

Q Talking about the Ford now -- that enables you to fix the sale to Merrill ?

A Yes, sir.

Q How much was that sale in gold ?

A \$500.

Q You got how much for the \$500 ?

A \$650.

Q Then you made another sale of how much ?

A \$1000.

Q How much did you get ?

A \$1250.

Q Then you made a third sale ?

A \$1150 out of that.

Q How much did you sell him ?

A \$1000.

Q Why \$1150 the last time, and \$1250 the previous time ?

A He told us the market had dropped, and he could not give us any more.

Q (MR. NILES) Now, Mrs. Jones, how much gold did you sell to others than Merrill ?

A Well, about \$185 to one man.

Q That was sold through Mrs. Frances Rummel ?

A Yes, sir.

Q How much was the other ?

A Then one time I think it was about \$1000 again, but we don't know who got it.

Q How is that ?

A We don't know who it was.

Q Where did you sell it ?

A Some man came to the door.

Q Had you ever seen him before ?

A Never.

Q You never had ?

A No, sir.

Q You mean to say you let him have \$1000 --

A He gave us money for it, and we supposed he was all right -- he had money and proceeded to buy it, and we thought he was all right.

Q You were very suspicious when Mr. Merrill first came ?

A No, sir.

Q You thought he might be a fakir --did you not think that ?

A I don't know -- I wanted to know exactly who he was -- I thought --

Q How did you find out who he was ?

A Went to his office.

Q Where ?

A In the American Building.

Q How did you know where it was ?

A He told me.

Q Did he write it down ?

A Yes, sir.

Q On a piece of paper ?

A Yes, sir.

Q Did you find him there ?

A Yes, sir.

Q In the day time or the night time ?

A In the day time.

Q Did you see him there ?

A Yes, sir.

Q Is the the gentleman that is in the room there ?

A Yes, sir.

Q Did you see the brother, also ?

A Yes, sir. At the time I was there, this brother was not there -- it was the other brother.

Q Did you go to the office more than once ?

A Once.

Q Where did you see him when you saw him the other times ?

A At home.

Q He came, too ?

A Yes, sir.

Q What time of the day ?

A I don't remember the time of the day.

Morris Merrill

Q In the morning ?

A It might have been in the morning once.

Q He came there a number of times, did he not ?

A Several times.

Q Did he always come the same time ?

A No.

Q Did he come there at noon ?

A Yes, somewhere like that.

Q Did he come down at night ?

A Yes, he has been there at night, too -- that is when he got money.

Q (THE COURT) Was your husband there at the time ?

A He was there a couple times, but we were not married then, until the last deal --

Q (MR. NILES) You sold \$2500 worth to Mr. Merrill, and you sold \$1000 to this unknown person -- was that before the sale to Merrill, or afterwards ?

A Before.

Q Can you fix the time when that sale was made ?

A No, I don't know anything about the time.

Q Was it all in one lump ?

A Yes, sir.

Q Was it before you went to Pittsburgh ?

A Yes, sir.

Q How much did you get for it ?

A Twenty-five cents on the dollar.

Q What do you mean ?

A Each dollar, he gave me a dollar and a quarter.

Q You mean twenty-five cents premium ?

A Yes, sir.

Q What did the man look like you sold the \$1000 to, that came to the door ?

A I could not readily describe who he was -- he was a very shabby-dressed fellow.

Q How old ?

A Maybe about 45 years old.

Q What nationality was he ?

A I could hardly tell that.

Q Did he talk with any accent ?

A No, I would not say he did.

Q You never saw him before ?

A No, sir.

Q He only made one visit ?

A Just one.

Q How did he introduce himself, did he say --

A He said he was buying old gold.

Q Did he ring the bell, or knock on the door ?

A He knocked on the door.

Q And he struck a deal with you -- did you get a profit on the \$1000 ?

A Twenty-five cents on a dollar -- got \$1250.

Q What kind of money did he pay you with ?

A \$50 and \$100 paper money.

Q Was that before or after you sold the \$185 ?

A It was after that.

Q Was this \$1000 sale to the strange man before or after you bought the Ford car ?

A It was right after that, because when we bought the Ford, it was only \$170.

Q You bought the Ford right after this sale of the first \$1000 ?

A Yes, sir.

Q I take it, you received a total of \$2500 from Mr.

L p. 157, 6/20/35

Merrill, and \$1250 from an unknown person --

THE COURT: She sold \$2500 to Merrill at twenty-five cents premium until the last sale when the market had depreciated --

MR. NILES: \$3125 you got from Merrill and \$1250 from the other person, from the unknown person, and \$185 --

A Not quite \$185 -- something like that -- we don't know exactly.

Q Did you get any premium on that ?

A Yes, twenty-five cents on a dollar, he gave her.

Q How much has Theodore got of that money ?

A He has not a cent.

Q Now, did you make any sales to anybody else ?

A No.

Q Except those people ?

A No.

Q When did you first know of this gold ?

A Sometime in May.

Q How did you hear about it ?

A My boy brought it upstairs.

Q How do you know it was in May ?

A Well, I could not figure it could be any other time.

Q Do you remember it was in May ?

A Yes.

Q It was before June and July ?

A Before we bought the car -- we have the dates of the car.

Q Have you the license --

A I don't have anything with me, but we have it on the paper, everything at home.

Q Was the Ford car titled in your name, or your husband's name ?

A In my husband's name.

Q You were not married then ?

A No, but we were intending to be married.

Q You were married when ?

A The second of July, I think -- we had the license, I believe, dated the 9th and he took sick --

Q He got the license on the 9th and you were married on the 2nd ?

A I mean the 22nd.

THE COURT: Take your time, and be calm -- if you want to think about it, take your time -- take all the time you want to be careful and tell the truth.

A That is what I want to do, you got me mixed up -- I was married the 22nd of July, I know.

Q Were you married when you went to Pittsburgh, or not ?

A Yes, sir.

THE COURT: When did you take it out ?

A That was the 9th -- it appears in the paper.

Q You took out the license, and it appears in the paper the 9th of July ?

A Yes, sir.

Q (MR. NILES) How long did you stay in Pittsburgh ?

A We were over there about a week.

Q You said you first heard of this gold in May -- where were you when you first heard of it ?

A In Baltimore here, at home.

Q How did it come to your attention ?

WITNESS: What did you say ?

MR. NILES: How did you hear about it ?

A I told my boy folks had been down there digging the

cellar, and I said to my boy, Now about going and straightening up the cellar before we move, and my boy said to Henry, Now about coming down and straighten up the cellar, and when they went down, they were digging and throwing things around, and they came up with the pot --

THE COURT: You did not see that.

A I was not down there, but I saw the pot --

Q Did they come up with it ?

A Yes, sir, they came upstairs and threw it in a bucket of water like they did the first time, and then they divided it --

Q What kind of bucket did they bring it up in ?

A It looked like galvanized -- it did not look like copper.

Q Was it a big pot ?

A It could have been smaller than the other one -- I could not say how big it was.

Q That did you do with it -- you said it looked like a galvanized bucket or pot ?

A I think I can put my fingers on it -- I am not positive.

Q Where do you think it is ?

A I think in the cellar.

Q When did you see it last ?

A I have not looked for it.

Q When did you see it last ?

A Not since the money was brought upstairs.

Q Do you still think it is in the cellar ?

A I don't know, but it might be.

Q Did you ever tell anybody to throw it away ?

A No.

Q Did anybody ever tell you they were going to throw it away ?

A No, sir.

Q Did you have any talk with Rummel, your present husband, about it ?

A He saw it, he knows about it.

Q Did he have anything to do with disposing of it ?

A No, sir, not that I know of.

Q You did not tell him to throw it out ?

A No, sir.

Q Do you think you could get that for us ?

A We may be able to lay our fingers on it -- we will try;

that is all you can do.

Q (MR. LEVIN) You don't know the day and date of the second find ?

A No, I do not know the date.

Q (THE COURT) You say they divided the money ?

A Yes, sir.

Q Did you see them divide it?

A They divided it and he took his home.

Q How much was in it ?

A It was not counted -- they did not even count it, they took each half and a half, like that.

Q How much was in it ?

A It was not counted.

Q What did they put it in ?

A The other boy put his in a can.

Q What did your boy put his in ?

A A box.

Q You mean when they distributed it, you think one had a box and the other boy had a can ?

A Yes, some kind of can.

Q they

Q When divided it, one took his half and the other took

his half ?

A Yes, sir.

Q Was it as much as it was in the first find ?

A That would come to eleven thousand and some dollars, and I don't think this was that much -- this was in the neighborhood of ten thousand dollars, we figured it.

Q How did you figure that about \$10,000 ?

A From what we got out of the money, and I figured the other boy got equal.

Q You figured that the two boys, one with a can and the other with a box, and it was divided in kind and size, and you figured the amount of it from the proceeds of what your boy got ?

A Yes, sir.

Q You think your boy's half was around \$5000 ?

A Something like that.

Q You mean in the proceeds of what was gotten from the sale at a premium, or without the sale, at a premium ?

A That is altogether.

Q Including the increased twenty-five cents on a dollar premium ?

A Yes, sir.

Q All added together amounted to \$5000 ?

A Altogether, just about that.

Q (MR. NILES) Do you keep a bank account ?

A No.

Q You did not put any money in bank ?

A No, sir.

Q Now, you say that you sent the boys down to clean up the cellar, did you request any part of the cellar ?

WITNESS: What is that ?

MR. NILES: Did you request any part of the cellar ?

A No, sir.

Q Did you ever send the boys down to clean the cellar before ?

A No, because they had played down there that one time, and never went down after that.

Q There was an account in the newspaper that said that Theodore stated that was his lucky day.

A No, that is all a mistake - that is foolish thing.

Q You sent them down ?

A Yes, sir.

Q Did you say because you were going to move ?

A Yes, sir.

Q You did not move until when ?

A We figured today -- we were going to move if --

Q Let me ask you, you had never been in the back part of that cellar ?

A Yes, sir.

Q Then did you go there ?

A I went back there --

Q When ?

A A couple of times.

Q Since the last find ?

A No.

Q I think at the last trial, you said you were never back there ?

A I told you I was back there.

Q I will have to look that up -- How long were the boys gone -- this is page 64 of the testimony in the other case, while I was cross examining you --

MR. LEVIN: You are not reading from the stenographic record; that is a condensed statement --

THE COURT: She is not responsible for the lawyers condensing that; you have the stenographic report -- she is not responsible the way it was summarized -- I think you ought to read the stenographic report.

MR. NILES: I see.

MR. LEVIN: What is the point?

THE COURT: Whether she said she had never been back in the cellar. I understood you to say you did not rent any part of the cellar -- was there any difference in your present occupation of the property from what it was, or whatever kind of rental contract you had at the time of the other hearing, any change in the lease?

A No, there was no change in the lease.

Q As I recall it, when you were down here before, you leased a certain portion of the second floor?

A Yes, sir.

Q And you had what you called a locker room, or coal bin, or something in the cellar?

A Yes, sir.

Q Did that continue to the present time, as it was then ?

A Yes, just the same.

Q It is not correct then to say you did not rent any part
of the cellar ?

A No, sir.

Q (MR. NILES) Did the boys tell you where they found
this gold ?

A Right near the same place, right where they were
straightening up the cellar, right near the same place.

Q The locker which you had was not anywhere near that ?

A Right practically at the corner of it.

Q You had a locker in the front part of the cellar, did
you not ?

A Yes, sir.

Q And if you go down the steps, the locker would be --

THE COURT: We had diagrams and pictures of
the entire cellar, the lockers and the location of
them and everything -- she said there was no change,
whatever it was then, it is at the present time.

MR. NILES: Let me ask you this one question--
this is the first time you had ever sent the boys to

clean in the cellar ?

A Yes, sir.

Q How long were they gone ?

WITNESS: What is that ?

MR. NILES: How long were they gone ?

A Not very long.

THE COURT: What do you call not very long ?

A Maybe 15 or 20 minutes -- they straightened up the place where other people had been digging around --

Q You knew other people had been digging ?

A I knew a lot had been digging.

Q They were digging close to where the first lot was found ?

A I don't know whether they dug where the gold was found, but they were digging all around the cellar.

Q That was in the back part you are speaking of ?

A Yes, sir.

Q Did you keep a shovel in your apartment ?

A I had a broken shovel, a little fire shovel.

Q You mean one of those little galvanized iron shovels ?

A Yes, and it was in the cellar with a broken handle,

and the bottom was also broken.

Q Is that the shovel that your son used, do you know ?

A He used a little fire shovel.

Q How do you know that ?

A Because that was the only one we had.

Q Did he take it out of the apartment, or not ?

A It was in the cellar, where we shoveled up coal.

Q Did you keep a pick in your apartment ?

A No, sir.

Q Did you ever say there was a pick in the house ?

A No, sir.

Q Did you ever hear about a pick being used ?

A No, sir.

Q Now, you say you did not count the gold ?

A No, sir.

Q You never have counted it ?

A No, sir.

Q It never has been counted by you ?

A No, sir.

Q Who was present when the first sale of gold was made
to Mr. Merrill ?

A Myself.

Q Was Mr. Hummel there ?

A Not the first.

Q Who was present when the second sale of gold was made ?

A My husband, I think, was with me. I don't want to swear to a lie -- I don't really know, and I cannot swear to it.

Q (THE COURT) What are you in doubt about ?

A I cannot remember.

Q What ?

A I cannot remember whether he was there at the second time.

(MR. NILES)

Q/Do you remember definitely about the first time ?

A He was not there the first time.

Q You don't know whether he was there the second or not ?

A I know he was not there the first.

Q Was he there the third time ?

A The third and last time, yes.

Q Who was present at the third sale ?

A My husband was.

Q He was not ?

A He was.

Q Who was it that passed out the money, the paper money for the gold ?

A Mr. Merrill.

Q Mr. Yale Merrill ?

A Yes, I guess that is his name.

Q The thin one or the stout one ?

A The thin one first, and then the stout one gave us the last.

Q There are two gentlemen in that room named Merrill ?

A Yes, sir.

Q Were they present at each time ?

A Yes, sir.

Q Was anybody else present ?

A No, sir.

THE COURT: She just said her husband was definitely present at one of the sales, and she thinks it was the third.

Q (MR. HILES) Was anybody with the two Merrills at the purchase, who had come to purchase ?

A The Merrills.

Q Just those two ?

A Yes, sir.

Q You were present each time ?

A Yes, sir.

Q Was Theodore there ?

A He just came in and went out.

THE COURT: How many times ?

A A couple of times he was in there.

Q (MR. MILES) On two different occasions ?

A Yes.

Q And your husband was present how many times ?

A A couple.

Q You don't remember which ?

A No.

Q There was paper money handed over by Merrill for the gold ?

A Yes, sir.

Q Who handed out the gold ?

A I usually had it counted out on the table.

Q Then you handed it out -

A Yes, sir.

Q Who handed over the paper money ?

A Mr. Merrill.

Q Which one ?

A First, the big one with the glasses -- I don't know what his name is.

Q The second time, who handed over the money ?

A The stout one, after that.

Q You believe he was the stout one ?

A Yes, sir.

Q Who took that paper money ?

A I did.

Q Each time ?

A Yes, sir.

Q What did you do with it ?

A Put a gum-band around it and put it in the cupboard.

Q The first sale, you said, was in May --

THE COURT: No, she did not, in June.

Q (MR. NILES) The second one when ?

A Sometime in August -- the last one was August.

Q The second one July ?

A Yes, sir.

Q Where did this sale take place ?

A Up my house.

Q Who was present ?

A Nobody.

Q Mr. Bummel was not there ?

A No, sir.

Q How did you know whether you were getting good money or not ?

A I have handled a good bit of money and I thought it was right.

Q You were suspicious then of the Merrills ?

A I was not suspicious, but I wanted to find out for sure.

Q Did Merrill say anything about nothing would be said ?

A He said everything would be all right.

Q Did he say anything about nothing would be said ?

A Yes, sir.

Q What did you say ?

A I said was it all right to sell the money.

Q Why did you think it would not be all right ?

A I did not think it would not be all right.

Q Did you ask him whether it would be ?

A I figured it would be all right.

THE COURT: He assured her it was all right.

Q (MR. NILES) Will you tell us about the transaction with Mrs. Frances Rummel -- she lives at 311 S. Bond ?

A Yes, sir.

Q What happened in connection with the gold ?

A She told me there was an old Jewish man came to her place and tried to buy gold, stating he wanted to buy all the old gold he could find.

Q About when was this ?

A I cannot remember the time that was.

Q Was it at the time when Mr. Rummel's brother was sick, with a bad back ?

A Yes, when he had his back broke.

Q When was that ?

A It was before this other sale you spoke of.

THE COURT: The first sale ?

A The first sale made.

Q It was before May ?

A It was early in May.

THE COURT: It was after the find was made ?

A Yes, sir.

Q (MR. NILES) After you heard the old man was coming after Mrs. Frances Hummel to buy gold --

A I gave her some money ^{to} /sell for me.

Q How much ?

A She had about \$185, something like that.

Q How much did you get for it ?

A I got -- he only took so much of it, and then came back and got it -- he went and got some money.

Q The first time she sold \$185 ?

A Not altogether.

THE COURT: How many visits do you think he made to get it ?

A I think twice.

Q When she paid it to you, how much money did she give you from the sale of the gold ?

A She got \$1.25 for each dollar.

Q How much money did she pay you, in money, do you know ?

A I did not even look to see -- we got some money --

Q You sold it and was allowed twenty-five cents on the dollar -- when she came to pay you off, do you know how much money she gave you ?

A No.

Q You understood she made two sales at two different times ?

A Yes, sir.

Q Did she pay you twice, or did she wait until she sold it all ?

A No, she gave it to me.

Q Each time ?

A Yes, sir.

Q You don't know how much, in money, she handed you ?

A No, sir.

Q Why do you carry it in your mind it was probably \$185, why not \$190, or \$175, or \$150, or \$200 ? How do you arrive at the \$185 ?

A Because I let her take it a couple of times -- I figured it was about \$185.

Q (MR. NILES) You say on the day of the find, the boys were gone about 15 minutes -- what time was it ?

A In the morning, I believe.

Q And after they came back with the gold, Mr. Rummel came in, did he not ?

A Yes, sir.

Q And what happened then, what did he do about it ?

A He did not know anything about it.

Q Why not ?

A Because we did not tell anybody.

Q He came in while it was being counted ?

A He did not see anything.

Q Was the gold hidden by you ?

WITNESS: Hidden by me ?

THE COURT: How was it kept away from him ?

A It was just covered up.

Q Covered up where ?

A In the house.

Q Whereabouts ?

A In the front room.

Q What part ?

A The bed.

Q What did they cover it with ?

A A blanket, the boys did -- I don't know which one.

Q You were not there at the time ?

A Not in the room at that particular time.

Q You said you never counted it ?

A No, sir.

Q Do you know whether the coins were old, or recent coins?

A Supposed to be gold --

Q Were they old ?

A They were old, very old.

Q (MR. NILES) Did you see the dates on these ?

A I never looked at the dates.

Q Was the container in which these coins were found, did it appear to be as old as the one in which the original coins were found ?

A I don't believe the can was battered up so much.

Q You know the first container was made of copper ?

A It was supposed to be.

Q You really don't know whether they made a second find or not ?

A Yes, sir, I do.

Q How do you know ?

A I saw the container.

Q You don't know where it came from ?

A It came from the cellar.

Q Don't you know, as a matter of fact, they had been keeping them all along -- don't you know they had been keeping this out of the first find ?

A No, indeed, no, sir.

Q How do you know ?

A I know I saw the container it was found in -- it could not have been in one container and two containers brought up, the same identical thing.

Q Why did you not keep the container ?

A It is around there someplace.

Q Did you not look it up ?

A Why, no.

Q Did you not think it was important ?

A I did not have any idea it would be.

Q So you did not keep the container ?

A It might be in the cellar someplace.

Q Did you not tell the police that it was thrown overboard in the harbor ?

A No, sir.

Q Did you hear anybody tell the police that ?

A Not to my recollection, I never heard it.

VOLUME II

683

439 1934

Stenographer's Record

CHARLES D. GAITHER, Jr.,
Plaintiff,

vs.

THEODORE JONES, et al,
Defendants.

No 20345 1/2 A

50

In the Circuit Court No. 2

September 20, 1935.

Ad 10 December 1935

JACK SALOMON
STENOGRAPHER
BALTIMORE, MD.

301 CALVERT BUILDING

THEODORE JONES, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION.

Q (MR. NILES) Theodore, how old are you now ?

A Sixteen.

Q Sixteen ?

A Yes, sir.

Q Where do you live ?

A 728 S. Bond street.

Q Where ?

A 728 S. Bond street, now.

Q When did you move from 132 S. Eden street ?

A On Monday, two weeks ago.

Monday 9/9/1935

THE COURT: Keep your voice up, and it will save a lot of time.

Q (MR. NILES) In August, 1934, you made a find of gold in 132 S. Eden street, did you not ?

A Yes.

Q And there was a trial in this Court last February ?

A Yes, sir.

Q Did you tell the Judge at that trial, about all the gold that you found at that time ?

A Yes, sir.

Q You didn't hold back anything ?

A No, sir.

Q When you first reported this to the police, the original find, you did hold out --

THE COURT: He did not report to the police the original find. They got wind of it, and reported it to him.

Q (MR. NILES) At that time, you told them you found less than you really did find ?

A Yes, sir.

Q (THE COURT) Do you understand his question ?

A Yes, sir.

Q (MR. NILES) And later, you admitted you found some more?

A Yes, sir.

Q And later, you handed the rest to the police ?

A Yes, sir.

Q Did you hand all of the find to the police ?

A Yes, sir.

THE COURT: So the record can be clear on that, I remember the testimony, I think I do -- when the police came and apprehended you, and told you they heard you made the find, and where was the gold, you were required to give it over to them at the Eastern Police Station, and you turned over the pot and contents, and you and the other boy held out about how much ?

A I couldn't tell you that; I didn't count it.

Q Did you actually hold it out ?

A We just wanted to see what they would do.

Q How much did you hold out ?

A I don't know.

Q About ?

A I say about three thousand.

Q Each three thousand, or between you ?

A Between us.

Q And then, was that \$1500, or whatever the half of that was, turned in to the Station House at that time ?

A Yes.

Q Or was it turned in later, as a separate turnover ?

141
A Separate.

Q How long after the first turn-in?

A It was the same night.

Q The same day?

A Yes, sir.

Q Just a little later in the same evening?

A Yes, sir.

THE COURT: Go ahead, Mr. Niles.

Q (MR. NILES) Do you know Mrs. Frances Rummel?

A Yes, sir.

Q She sold some gold for you or your mother, did she not?

A Yes.

Q When was that?

A I don't remember when it was.

Q How long ago do you think it was?

A I couldn't tell you.

Q Well, was it while Mrs. Rummel's husband was sick, with the bad back?

THE COURT: That's such an indefinite question to put.

Q (MR. NILES) Was it before last May?

A I couldn't tell you.

Q Was it before the gold was sold to Mr. Merrill ?

A I don't believe it was.

Q You think it was after that ?

A Yes, sir.

Q Do you know anything of a sale of gold to an unknown person, who got \$1000 of gold ?

A I don't know the person.

Q You don't remember that ?

THE COURT: He said he don't know the person.

Q (MR. NILES) Do you know of a sale of \$1000 in gold to a person you don't know ?

A Yes, sir.

Q How was it made ?

A He came and asked us whether we had any gold money.

Q Where did he come ?

A South Eden.

Q To what part of the house did he come ?

A Upstairs, second floor.

Q What part of the day was it ?

A I couldn't tell you.

Q (THE COURT) Did you see him, were you home ?

A Yes, sir.

Q (MR. NILES) Did he come more than once ?

A I couldn't tell you; I was there the first time he was there.

Q Did you see him give the paper money he gave for the gold money ?

A Yes, sir.

Q Who took the paper money ?

A My mother.

Q Was Mr. Rummel there at the time ?

A I couldn't tell you.

Q What did your mother do with the money ?

A Put it away.

Q Had you ever seen the man before ?

A No, sir.

Q (THE COURT) How much did she get ?

A I don't know.

Q Do you know how much gold she gave him ?

A I believe \$1000.

Q Did you see it counted, or take her word for it ?

A I saw it myself.

Q Did you help to count the money the man paid her, so she wouldn't get cheated ?

A I believe it was \$1250.

Q (MR. NILES) You had never seen that man before ?

A No, sir.

Q Did he buy the gold the first time he came ?

A I can't remember.

Q How did you know he was coming ?

A I didn't know he was coming.

Q How did you know he was giving you good money for the gold ?

A I don't know; we just took that chance on it.

Q You had never seen him before ?

A No, sir.

Q (THE COURT) What did he look like ?

A A short fellow.

Q How old ?

A I am no good judge.

Q Was he young, middle-aged, or old, you know that much ?

A Middle-aged.

Q (MR. NILES) Have you seen him today ?

A No, sir.

Q (THE COURT) He is not in that room with the witnesses?

A No, sir.

Q (MR. NILES) Let me ask you about the robbery. On September 2nd, Mr. Rummel reported a robbery at 132 South Eden street, that's your apartment ?

A Yes, sir.

Q After that, the police questioned you ?

A Yes, sir.

Q And at that time, you told them -- what did you tell them about the source of this money that was stolen ?

WITNESS: What do you mean ?

THE COURT: What did you tell the police when they first came, after Rummel reported the house had been robbed ?

A They asked how much money it was, and we gave him the idea.

Q How much did you tell him ?

A About \$3100.

Q What did you tell the police of where the \$3100 came

11/6
from ?

A Out of the gold money.

Q You told them it was out of the gold money ?

A Yes, sir.

Q Did you hear Rummel tell him anything ?

A No, sir.

Q Did you hear him tell him it was his life's savings ?

A First, I told him that.

Q Why did you do that ?

A My mother told me she was going to keep the money until
the lawyer came to town.

Q He had gone to California, hadn't he ?

A Yes, sir.

Q (MR. NILES) Now, Theodore, where is the container you
found this gold in ?

A I don't know where it is.

Q That did you do with it ?

A I put it out in the yard.

Q When ?

A The same day we found the money.

Q What did you put it into in the yard ?

A A basket.

Q What kind of basket ?

A Bushel basket.

Q That was the bushel basket for ?

A Fruit basket.

Q What did this container look like ?

A It was -- looked like it was galvanized.

Q Like what ?

A Galvanized.

Q Did it look like the first one ?

A Yes, sir.

Q You know the first was made of copper ?

A Yes, sir.

Q Did this look as old as the first one ?

A Yes, sir.

Q Was it about the same size ?

A Yes, sir.

Q You saw the first one in Court here ?

A Yes, sir.

Q And a lot of questions were asked you about it ?

A Yes, sir.

148
Q Why didn't you keep the container ?

A I just put it in the yard.

THE COURT: Which one are you talking about ?

MR. NILES: The second one.

A I didn't think of keeping it.

Q Weren't you afraid somebody would ask you questions about it ?

A I didn't know.

Q Didn't you know it was important to keep it ?

A Yes, sir.

THE COURT: The answer isn't responsive. Listen to the questions, and see if you understand what he is asking. He wants to know why you didn't keep the second galvanized can the money was found in, and whether you didn't think it was important to keep it.

A I thought it was, after I threw it away.

Q (MR. NILES) Have you told your mother what was done with that can ?

A I told her I was going to throw it away.

Q Why did you tell her you had thrown it away ?

A That I was going to.

Q After you had thrown it away, did you tell her that you had ?

A I told her I threw it away.

Q You told her you did ?

A Yes, sir.

Q How long ago did you tell her that ?

A Well, I threw it away the day I found the money and I told her that night.

Q Did you tell her why you had thrown it away ?

A There was no reason to tell her.

Q Did she ask any questions about it ?

A No, sir.

Q Did the police ask what you had done with it ?

A No, sir.

Q Didn't you tell someone you had thrown it into the hopper ?

A Not that I remember.

Q How did you come to find this second batch of gold ?

A Well, when I went over Henry's house in the afternoon, he said he felt lucky, and I said, What do you want to do, and he said, We'll go over in your cellar.

Q You were at Henry Grob's house when this happened ?

A Yes, sir, he says, Let's go over the cellar, and mess around, and I said, We'd better straighten it up, and he said, We will straighten it up in a little while. He said he wanted to dig, and I said, All right, so we was digging around, and a piece flew up, the same as before.

Q What time of the day was this ?

A In the evening, I say, around 2 o'clock.

Q (THE COURT) What were you digging with ?

A Axe.

Q (MR. NILES) Was that the same axe you used before ?

A Yes, sir.

Q Where had you gotten it ?

A It's my mother's axe.

Q (THE COURT) Where did you find it that day, where was it ?

A In the cellar.

Q (MR. NILES) What did Henry use to dig with ?

A A knife.

Q What kind of knife ?

A Corn cutter, long knife.

Q The same knife he used before ?

A Yes, sir.

Q Where had he kept that knife since the first find ?

A In my cellar.

Q What part of the cellar ?

A It's divided off, the front part.

Q Let me get it a little straighter. You were at Henry's house when he suggested he felt lucky, is that right ?

A Yes, sir.

Q Had you been digging in the cellar at all before the day you found this gold ?

A No, sir.

Q Since the other find, the first find, had you dug there at all ?

A No, sir.

Q Had you been down there at all ?

A Yes, sir.

Q What had you done down there ?

A I went down the cellar, got the axe to bring it upstairs, took the flashlight and looked around, and there was a

big hole back there, filled with water, and I told my mother about it.

Q When was that ?

A I don't know exactly.

Q Right after the first find ?

A After it.

Q How long after ?

A About a month.

Q And then you were not down there again until this day Henry said he felt lucky and you actually found the new gold, is that right ?

A Yes, sir.

Q Had you been home just before Henry suggested going to the cellar ?

A Yes, sir.

Q What had you been doing at home ?

A I just got done eating.

Q Then you went to Henry's house ?

A Yes, sir.

Q Did your mother send you to the cellar ?

A Yes, sir, to get the axe.

Q What did she want with the axe ?

A To chop wood.

Q And you went to the cellar and got the axe ?

A Yes, sir.

Q And then you went upstairs and she chopped the wood upstairs ?

A I chopped it.

Q After that, what did you do ?

A Put the axe in the cellar and went over Henry's.

Q Was there any reason for you to go down the cellar ?

A I wanted to straighten it up.

Q What do you mean by that ?

A It must have been someone else digging and the dirt was all up in a pile.

Q You mean the front part or the back part ?

A The back part.

Q Why should you straighten up the back part ?

A We started to dig it up, we thought we started it, and somebody else came and dug it up worse, and we thought it would be all right to straighten it up.

Q When did you start to dig ?

154

WITNESS: The second time ?

THE COURT: When did you dig it up that you thought you should straighten it up ?

A When we found the first pot.

Q (MR. NILES) When did you find the second pot ?

A I believe in May.

Q 1935 ?

A Yes, sir.

Q You mean then you weren't in the cellar for 8 months ?

A Yes, sir.

Q And after 8 months, you decided you ought to straighten up the cellar ?

A Yes, sir.

Q And you weren't down the cellar for 8 months ?

A I might have been down a couple times in my part.

Q In the front, but not the back ?

A Yes, sir.

Q What day in May was this ?

A I can't tell you the day.

Q Do you remember what day of the week it was ?

A No, sir.

Q Had you been to school that day ?

A I don't go to school.

Q When did you go to school ?

A In Pittsburgh.

Q How long ago was that ?

A I was young then.

Q How many years ago was it ?

A Five years.

Q What do you do now ?

A I've been working, got laid off.

Q Where have you been working ?

A Huckstering.

Q When were you laid off ?

A A couple weeks ago.

Q Were you working for yourself, or somebody else ?

A Somebody else.

Q How long did you work for him ?

A About three weeks.

Q And you were laid off a couple weeks ago ?

A Yes.

Q Who did you work for before that ?

A Stawite Company.

Q How long did you work for them ?

A Two weeks.

Q Why were you laid off there ?

A I didn't like the job they gave me.

Q You quit ?

A Yes, sir.

Q Since the first find of gold, how many jobs have you had ?

A Two.

Q The two you just mentioned ?

A Yes, sir.

Q So that you have been working a total of five weeks since the first find of gold ?

A Yes, sir.

Q And that five weeks is all during the last three months ?

A I couldn't tell you whether or not; it has been a good while ago.

Q When did you buy your automobile ?

A I don't know; I can't remember.

Q What kind of automobile was it ?

A Plymouth.

Q Is that the only automobile you had ?

A I had a Ford.

Q When did you buy the Ford ?

A The 20th of June.

Q Whose name was it titled in ?

A My step-father's.

Q Mr. Rummel ?

A Yes, sir.

Q Whose money paid for it ?

A Out of the gold money.

Q How did your step-father get the gold money ?

A We had the gold money and we turned it in.

Q Who do you mean by "we" ?

A My mother and I.

Q Who did you turn it in to ?

A Mr. Merrill.

Q So the automobile was purchased -- the Ford automobile was purchased out of the proceeds of the gold ?

A Yes, sir.

Q Who did you buy the Ford from ?

A Mr. Gold, on Baltimore street.

Q What is his full name ?

A I don't know.

Q Where is his place ?

A Baltimore and Dallas.

Q How much did you pay for it ?

A \$180.

Q How long did you keep it ?

A About two months.

Q What did you do then ?

A I traded it in for a Plymouth.

Q Were you working at that time ?

A No, sir.

Q Where did you trade it in ?

A Walter Scott.

Q What did you get ?

A A '35 Plymouth.

Q How much more cash was paid, when you traded in the
Ford for the Plymouth ?

A I don't know, I got \$50 on the old car.

Q How much did the new one cost you, what was the price

of the new car ?

A \$802.50, I think.

Q Who paid that for you ?

A Out of the gold money.

Q Who paid it to Mr. Scott ?

A I did.

Q Who gave it to you ?

A My mother.

Q Is it titled in his name, your step-father's name ?

A Yes, sir.

Q Have you been working since you got the Plymouth ?

A Yes, sir.

Q You say you have been working since you got the Plymouth?

A No, sir.

Q You said about two weeks ago, you got laid off from huckstering -- I can't check with that.

A I wouldn't call it working, he owes me money.

Q Who did ?

A The boss. I went working for him, he told me to meet him on the corner, and he wouldn't go out; he's crippled and stays in on account of his foot.

128
Q Did you quit, or were you fired ?

A Laid off.

Q Now, then, I'll ask you again, whether you had been working since you got your automobile ?

A If you call it working, yes.

Q That's the only job you had ?

A Yes, sir.

Q Now, tell me something more about this find. how long were you in the cellar, looking for the gold ?

A About half an hour.

Q Where did you start to dig ?

A In the corner.

Q Which corner ?

A Right.

Q How far from the place you made the original find ?

A I say three or four feet.

Q Which direction from the place you made the original find was it ?

A South.

Q Was it along the wall ?

A Yes, sir.

Q You remember in the last trial we had some photographs

161
of that cellar, and I show you now Respondent's French Exhibit No. 4; that's a picture of where you found the first gold, isn't it ?

A Yes, sir.

Q Now, does this photograph show where you found the second gold ?

A Yes, sir.

Q Will you put your finger on the place ?

A Right there (indicating).

Q Will you make a mark ?

THE COURT: Stick this pin in the photograph where you think the second time will be, corresponding to the photograph.

MR. NILES: I'll ask the stenographer to mark that with a circle.

THE COURT: Mark it on the back with a circle.

(The stenographer then placed a circle on the back of photograph around the hole made by the pin-point and same was marked for identification, No. 1).

THE COURT: It would be back almost to the corner of the brick wall, where the corners meet.

163
WITNESS: Yes, sir.

Q Where the pile of dirt is ?

A Yes, sir.

Q How many feet do you think that would be from the place you found the first gold ?

A About three or four feet.

Q (MR. NILES) How deep in the ground was this gold buried?

A The same as before.

Q (THE COURT) What is that ?

A A half a foot to a foot.

Q To the top of the pot, you mean ?

A Yes, sir.

Q You mean below the level of that part of the cellar that you dug out. There's a big pile of dirt on top of this place, now, you would have a foot or more of surface, you mean ?

A We moved that away.

Q And so, by a half a foot to a foot, you mean below the ground level ?

A Yes, sir.

Q In other words, buried six to twelve inches ?

167
A Yes, sir.

Q (MR. NILES) You say this container that you found was about like the other one ?

A Yes, sir.

Q Was there also a shoe or boot on top of this one ?

A No, sir.

Q (THE COURT) Was there a top on this one ?

A It was green like the other one, and falling apart.

Q If there was a lid, it had decomposed and formed green on top ?

A Yes, sir.

Q (MR. NILES) Did it have any holes in it ?

A Yes, sir.

Q Were the holes big enough for the coins to fall through ?

A It was all stuck together.

Q You say you were there about half an hour ?

A Yes, sir.

Q Had you gone there, because Henry suggested it ?

A He asked me to go down.

Q Did your mother ask you to go down ?

A I asked if I could go down.

128
Q (THE COURT) Did she say anything about straightening up the cellar ?

A Yes, she told me about it since I found the money.

Q You mean after the first find ?

A Yes, sir.

Q You mean after they all went digging, making piles of dirt ?

A Yes, sir.

Q I mean that day, or the day before, had she said anything about it ?

A She told me every day to go down and clean it up, and I just didn't feel like going down by myself.

Q She told you repeatedly ?

A Yes, sir.

Q (MR. NILES) You hadn't made the mess in the cellar, had you ?

A No, sir.

Q Why should you straighten it up then ?

A I think the landlord hollered, thinking we did it.

Q There had been a lot of other people digging, after you made the first find, weren't there ?

15
A Yes, sir.

Q And you knew about it, hadn't you ?

A Yes, sir.

Q (THE COURT) They didn't dig the right place, is that right ?

A Yes, sir.

Q Do you think there is any more down there ?

A I couldn't tell you.

Q (MR. NILES) After the first find, didn't you dig around in the same place where you actually found the gold ?

WITNESS: I don't know what you mean.

THE COURT: After you went down and made the first find, a lot of other people went down and dug, did you ?

A I didn't dig any more.

Q Just other people did ?

A Yes, sir.

Q (MR. NILES) You mean you only dug twice in your life, the time you found the first gold and the second ?

A Yes, sir.

Q That's the only time you ever dug in that cellar ?

142
A Yes, sir.

Q What kind of light was down there ?

A Wasn't no light, used a flashlight.

Q Whose was that ?

A Mine.

Q Where is it now ?

A Home.

Q When did you get it ?

A I had it for three years.

Q What did you use the first time ?

A Flashlight.

Q Did Henry have a light ?

A No, sir.

Q You need a light down there, don't you ?

A Yes, sir.

Q You can't see a thing without a light, isn't that right?

A Can't see.

Q In the part of the cellar where you dug, the height of the ceiling is above the dirt, how much ?

A You have to bend way over to go through it.

Q You went to Pittsburgh with your mother and step-father

sometime this spring ?

A Yes, sir.

Q Sometime in the last few months, wasn't it ?

A Yes, sir.

Q You took some money there, didn't you ?

A Yes, sir.

Q Was it gold or paper money ?

A Paper money.

Q No gold ?

A Not that I remember.

Q Did you see it put into the suitcase it was put in, to take it to Pittsburgh ?

A It was in a little box. I know there was a little box that had the gold that was stolen, it was in the suitcase, I don't know whether there was any gold in it.

Q Where had the money been kept between the time you found it and the time you took it to Pittsburgh ?

A In a press.

Q What do you mean by a press ?

A A cupboard.

Q Built in the room ?

705
A Built in.

Q And what had it been kept in in the press ?

A A little money box.

Q How much money was taken to Pittsburgh ?

A All of it.

Q How much was that ?

A I don't know how much it was; all we had.

Q How much paper was it ?

A I believe \$3100.

Q How much gold ?

A I don't know.

Q You counted the gold, didn't you ?

WITNESS: Sir ?

MR. MILES: I say, you counted the gold, didn't
you ?

A No, sir.

Q Never ?

A No, sir.

Q Never at all ?

A Only when we counted it out to sell.

Q How much was it when you first found it ?

A We didn't count it; I only counted a thousand as we would sell it.

Q You divided the money with Henry, didn't you ?

A Yes, sir.

Q When did you divide it ?

A The same day we found it.

Q Where were you then ?

A In my house.

Q Who was there ?

A Just my mother and Henry and I.

Q And Mr. Rummel came in later ?

A Came in later.

Q Did he help you divide it ?

A No, sir.

Q What did he do ?

A He came out into the room where we was counting it, and we hid it behind the papers.

Q Why did you hide it ?

A We didn't want him to know.

Q Did he see it ?

A No, sir.

Q When you went to Pittsburgh, the money was put in the safe deposit box, wasn't it ?

A I think it went with us.

Q (THE COURT) You don't understand Mr. Niles. He meant after you went to Pittsburgh -- you took the money along in the car to Pittsburgh, and Mr. Niles means, after you got to Pittsburgh, what was done with the box that was in the car, or in the suitcase ?

A Put it in the safe deposit box.

Q (MR. NILES) Whose box was it ?

A My sister's.

Q What is her name ?

A Hallenbaugh.

Q What bank was it ?

A I don't know.

Q Where was it ?

A Pittsburgh, on Federal street.

Q The bank is on Federal street ?

A Yes, sir.

Q Was it a big building ?

A Kind of big.

Q Was it an office building, or just a bank building ?

A I don't know whether it had offices in it or not.

Q Were you present when the money was actually put in the box ?

A Yes, sir.

Q And present when it was taken out of the box ?

A Yes, sir.

Q Was it counted at that time ?

A No, sir.

Q Why was the money taken to Pittsburgh ?

A We didn't want to leave it in the house.

Q When did you go to Pittsburgh ?

A I couldn't tell you when; it has been a good while ago.

Q Well, was it before the 4th of July ?

A After the 4th of July.

Q How do you know it was after the 4th of July ?

A The 4th of July, I had my Ford.

Q What car did you go to Pittsburgh in ?

A Plymouth.

Q What was the object of going to Pittsburgh ?

A We hadn't seen my brother and sister for so long.

Q Was Mr. Rummel present when you put the money in the safe deposit box ?

A I couldn't tell you.

Q Was your mother present ?

A Yes, sir.

Q Was Mr. Rummel there when you took it out ?

A No, sir.

Q Was he there when you put it in ?

A I couldn't tell you.

Q (THE COURT) When the money was put in the safe deposit box, was the box put in, or just the money taken out ?

A The box, too.

Q It wasn't opened to look at ?

A No, sir.

Q Just the whole box set in ?

A Yes, sir.

Q And you say you hadn't seen it and do not know as to how much gold and how much paper was in it ?

A I hadn't seen it.

Q You just understood it was all the money you had in the house, in Eden street ?

A Yes, sir.

Q (MR. NILES) When you went down in the cellar, after Henry suggested he felt lucky, did your mother know anything about it until you came up with the gold ?

A No, sir.

Q What did you tell her when you got upstairs ?

A Just told her we found another pot of gold, and she thought we was joking, and she walked out in the kitchen and looked in the suitcase, it was an old suitcase in the cellar, and we thought the can would bust on us, and we put it in the old suitcase, and put it on the table, and she looks in it and says, What are you going to do with it, and I say, That's up to you, and she says, We'll keep it until the lawyer comes in town.

Q (THE COURT) Who did she mean ?

A Mr. Levin.

Q Who was out of town on his summer vacation ?

A Yes, sir.

Q (MR. NILES) Then what happened ?

A We counted it, I started to count it out, and my father

walks in, and we went in the other room.

Q Why didn't you want him to know ?

A He told me if I went down the cellar and found any more money, we wouldn't let anybody know about it.

Q Why did he say that ?

A I don't know.

Q What happened next ?

Reminded us of 7/22

A A couple weeks later, the Welfare shut us off, and we needed money, and we cashed some in.

Q Then what did you do ?

A We cashed it in, and my father found it out.

Q How much did you cash in ?

A First, \$500.

Q How did you do it ?

A A man came to the door, and knocked on the door, Mr. Merrill.

Q The man in here now ?

A Yes, sir.

Q What did you do ?

A He asked if we had any gold money, and we said, No, and he came back two or three times.

Q What time of day was that ?

A I couldn't tell you.

Q Then what happened ?

A He kept coming back and coming back, and my mother thought we might as well do it, so we turned in \$500, and got \$650.

Q What did you do with that money ?

A I bought myself a pair of shoes, and paid the rent money, and we kept the rest.

Q You paid the rent ?

A Yes, sir.

Q Are you sure of that ?

A Yes, sir.

Q (THE COURT) Who did you pay it to, Mr. Niles represents the landlord.

A I don't know which landlord; it was so many comes collecting it.

Q (MR. NILES) Did you do it yourself, pay the rent ?

A No, sir.

Q \$500 was sold, that way, what happened to the rest of the money ?

A We just kept it in the press, and I asked my mother if she would buy me a car, and she said, All right.

Q You must have gotten some more to buy the car ?

A We got the Ford out of the first \$500, and I don't know, riding around in it, we stopped in front of our step-mother's, the switch wouldn't work, and the steering wheel was hard to turn, and I couldn't turn it, and my mother said, You better get rid of it, so I turned it in. - also p. 165

Q How much gold did you sell altogether to Mr. Merrill ?

A I think \$2500.

Q What did Henry Grob do with his ?

A I believe he turned it all in --

MR. LEWIN: If he knows.

A He told me he turned it in.

Q (THE COURT) Who did he tell you he sold it to ?

A He told me he didn't know the man.

Q (MR. NILES) How about this robbery that took place at your house -- did you go to Overlea that night ?

A Yes, sir.

Q Who was present at the apartment, before you left ?

A My mother and step-father, and a girl named Mary and her baby, and my nephew and I, and my mother and father.

Q What time did you start for Overlea ?

A I believe 7 or a little after.

Q And you intended to ride out in your automobile ?

A Yes, sir.

Q Did you all leave the apartment together ?

WITNESS: Sir ?

MR. NILES: Did you all leave the apartment for Overlea together ?

A Yes, sir.

Q Then who went back ?

A Nobody went back.

Q Are you sure of that ?

A Positive.

Q All right, how long were you gone ?

A We didn't get home until 10:30, around 10:30.

Q I see, and when did you first hear of it ?

A My mother walks in the house -- my father led the way, he turned on the light, and he sees knives and forks on the floor out of the trunk, and my mother seen it, and

the girl runs downstairs and called me up, and I said,
I am going over for the policeman.

Q And then he came over ?

A Yes, sir.

Q Did you see anything about the glass in the window ?

A Yes, sir.

Q Was the window broken ?

A It was broke, looked like with a glass cutter.

Q Were the pieces laying all around ?

A Yes, sir.

Q On the fire-escape, or inside ?

A Both.

Q Have you any idea who committed this robbery ?

A Yes, we suspect Johnny Grob.

Q Who is he ?

A Henry Grob's brother.

Q Now, then, you told your father-in-law -- step-father --
to tell the police that this was his life's savings
that were stolen ?

A Yes, sir.

Q Why did you tell him that ?

A I wanted to give it to the lawyer, to see what he would do with it.

Q What was the object in your saying it was your step-father's life's savings ?

A If we told them it was out of the gold money, they would take it off us.

Q Who would ?

A The policeman.

THE COURT: As they did before ?

Q (MR. NILES) And after that, you told them it wasn't true, didn't you ?

A Yes, sir.

Q Now, you say that Henry suggested going down to dig, and your mother didn't know anything about your starting down

A Yes, sir.

Q And your mother didn't know anything about it until you came up with the gold ?

A She seen me go out with the axe.

Q But you came back with the wood before you went over to Henry's ?

A When Henry said he wanted to dig, the axe was upstairs

and I had to go get it.

Q But did you tell her you were going downstairs to dig ?

A No, sir.

Q Did you ask anybody's permission to dig in the back of this cellar ?

A No, sir.

Q You knew you didn't have permission, didn't you ?

(Objected to; objection overruled).

A Yes, sir.

Q Had the ground where you found this gold, been dug up much ?

MR. LEVIN: Haven't we been all over this ?

THE COURT: They said they had been all over the cellar --

Q (MR. NILES) Did it appear to be dug up much ?

THE COURT: I suggested the last time that you go right back.

MR. LEVIN: If I owned the property, I would dig it up the next day.

THE COURT: They told me it wasn't worth while, that they dug all the way to China.

Q (MR. NILES) Now, Theodore, what were the dates of these coins ?

A I couldn't tell you.

Q Do you know any of them ?

A No, sir.

Q You didn't look at any of the dates?

A Well; it seems to me they were the same as before.

THE COURT: The question was, did you look to see what year they were minted in ?

A One was '52, 1852.

Q You mean in this last bunch ?

A Yes, sir.

Q Did you look at any of the others ?

A No, sir.

Q (MR. NILES) How many \$20 pieces were there, do you know?

A No, sir.

Q You didn't count them ?

A No, sir.

Q And you don't know the face value of the whole thing ?

A No, sir.

Q Were there many \$1 pieces ?

111
A Yes, sir.

Q The same as before ?

A Yes, sir.

Q (THE COURT) He means, were most of the coins composed of \$1 gold pieces, or tens or twenties ?

A Mostly \$1.

Q (MR. NILES) I take it, that you did not report it to the lawyer, when he got back ?

A We went up there, I believe, three times, and we called up, and every time we would, the lady said he wasn't in town.

Q So you didn't report it ?

A No, sir.

THE COURT: Wait a minute, if he went three times to report it, and was told the lawyer was out of town, you cannot very well say he did not report it. Let's get it as accurately as we can.

Q How often do you think you went up ?

A We went twice in one week.

Q That was soon after you made the find ?

A Yes, sir.

Q And when was the third visit, how long after ?

A About two weeks.

Q And then did you go back any more ?

A No, sir.

Q Did you hear, or find out anything about when Mr. Levin would come back ?

A They told me when he would be back, but it slipped my mind.

Q Did it seem to be a long while in the future, or a short time ?

A A long time.

Q He was taking a long vacation ?

MR. LEVIN: I wish I hadn't now.

Q (MR. NILES) Now, then, the division of the gold, how did you make that, between you and Henry ?

WITNESS: What's that ?

MR. NILES: How did you divide it between you and Henry, how did you go about it ?

THE COURT: He means what method did you use, you said you did not count it ?

A I would take so many pieces and give him so many pieces.

Q Would you take the big ones and give him the little ones ?

A No, sir, all the same.

Q In other words, you would put one piece on his pile and one piece on yours ?

A Yes, sir.

Q Suppose it didn't run out even ?

A We would take it out in ones.

Q (MR. NILES) Then did Henry take his part away ?

A Yes, sir.

Q Who had the key to the safe deposit box in Pittsburgh ?

A My sister.

Q She knew there was money in there, too, didn't she ?

A Yes, sir.

Q Do you know whether any money was paid for the box by anyone in your family ?

A I don't know.

Q Do you know whose name the box was in ?

A No, sir.

Q Your sister was there when the money was put in, wasn't she ?

A Yes, sir.

Q How much of this money have you gotten out ?

WITNESS: Sir ?

MR. NILES: How much money, either gold or proceeds of gold, have you gotten out of it ?

A None.

Q There was how much paper money stolen ?

A \$3100.

Q How do you know how much that was, when did you count it

A We counted it the day before it was stolen.

Q Why did you count it then ?

A We were going out Monday and pay on a house.

Q And there was \$500 in gold stolen, was there not ?

WITNESS: How much in gold ?

MR. NILES: \$500 ?

A Around about.

Q (THE COURT) How do you know that ?

A By the looks of it.

Q You mean the size of the amount of gold that was there?

A Yes, sir.

Q You think it was about \$500 ?

116
A Yes, sir.

Q (MR. NILES) Then, so far, you got an automobile out of it, and \$3100 that you say was stolen from the house, is that right ?

A Yes, sir.

Q That makes \$3800, more than that was received by you and your mother for the gold, was it not ?

WITNESS: Sir ?

MR. NILES: More than \$3800 was received, was it not ?

A I don't remember.

Q Let's go back. What was the total amount you and your mother got for all the gold that was sold ?

A Well, we got \$1250 for a thousand, and we turned in \$2500.

MR. NILES: Yes.

Q (THE COURT) That was to Merrill, wasn't it ?

A Yes, sir.

Q Let me ask you a word on that. Did Merrill always pay on each of the three purchases, a twenty-five percent premium ?

182

A Twenty-five cents on the dollar.

Q Were you present when the last purchase was made ?

A Yes, I believe it was \$1150, the last one.

Q Why was that ?

A I don't know, maybe he thought he got that much and he could talk us into selling for that much.

Q Did you see it paid ?

A Yes, sir.

Q He paid \$1150 on the last thousand ?

A Yes, sir.

Q Now, what about the other thousand that you sold to a strange man, do you know anything about that ?

A No, sir, all I know, she sold it to him, and I seen her take the money and put it in the box with the rest, and lock it up.

Q I am not talking about Mr. Merrill's sale; I am talking about the strange man.

A Yes, sir.

Q You saw her get the money ?

A She put it in the box.

Q She told you how much it was, or did you count it ?

A I say about twelve hundred.

Q Twelve or twelve-fifty ?

A I can't remember exactly, twelve or twelve-fifty.

Q Then you also sold some to Frances Kummel ?

A I don't know.

Q You don't know anything about Frances Kummel buying some, or selling some for you ?

A No, sir.

Q You never heard about that ?

A I heard it was in her house.

Q You heard some was in Frances Kummel's house, but whether she sold it or not, you do not know ?

A No, sir.

MR. NILES: That is all.

(Examination concluded.)

MRS. RUTH GROB FISHER, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION.

Q (MR. MILES) You are the mother of Henry Grob, are you not ?

A Yes, sir.

Q Where do you live now ?

A 1212 S. Collington avenue.

Q You have moved there recently, have you not ?

A In July.

Q Of this year ?

A Yes, sir.

Q You lived before that where ?

A 227 S. Caroline street.

Q That is fairly close to 132 Eden street, is it not ?

A Yes, sir.

Q In the last two years, have you gotten any money, except from the sale of this gold ?

A No, sir.

Q You sold some gold this year, did you ?

A Out of the last pet that was found.

Q Who did you sell that to ?

A I don't know who it is.

Q Where did you go to sell it ?

A A man came right to my door.

Q Now, you told the police that you had taken it uptown?

A No.

THE COURT: Talk out, don't shake your head.

Q (MR. HILES) Before you were married, your name was Ruth Fisher.

A Christ.

Q You have a bank account now ?

A Yes, sir.

Q In the name of Ruth Fisher ?

A That is right.

Q At the Equitable Trust Company ?

A Yes, sir.

Q The Baltimore Branch, and another one at the Canton National Bank, and the money in those accounts came from the sale of this gold, did it not ?

A Yes, sir.

THE COURT: How old is the Equitable Trust Company account ?

(The witness produced books).

THE COURT: Look at it and put in the record what it was originally, and what the balance is.

MR. LEVIN: It shows the original deposit was \$800 on June 10, 1935, and \$400 on July 8, 1935, and on August 10th was a deposit of \$35 -- I mean there was a withdrawal of \$35 and --

THE COURT: How much balance is in that account ?

MR. LEVIN: \$500, because \$600 was drawn on the 18th of this month, day before yesterday. There was \$1100, as of August 22nd, and \$600 was withdrawn day before yesterday.

WITNESS: That is right.

Q (MR. MILNER) Where is the \$600 now ?

A I have got it.

Q Where ?

A At home.

Q In your possession ?

\$1200
Equitable Trust Co

A Yes, sir.

Q That is money from the sale of gold ?

A Yes, sir.

Q Why did you withdraw it ?

A They told me my money was going to be stopped, and I was going to see someone, to see if it could be stopped.

Q You heard this hearing was coming on, and you thought you had better get it out of bank ?

A That is right, sir.

MR. WILKES: I offer this book in evidence.

(Book was then filed marked Exhibit Fisher No. 1).

Q Now, on July 8, 1935, you opened the account at the Canton National Bank, with \$600 ?

A Yes, sir.

Q On July 17th, you put in \$400 more ?

A Yes, sir.

Q Making a total of \$1000 ?

A Yes, sir.

Q You withdrew various sums until September 9th, and the balance was \$670, and on September 17th, that is three

\$1000
Canton Nat'l
Bank

days ago, you withdrew \$170 ?

A That is right.

Q Leaving \$500 now ?

A Yes, sir.

Q Where is the \$170 ?

A I spent it.

Q What did you spend it for ?

A I spent it for furniture, paid doctor bills, had my teeth fixed, bought myself a coat, and some furniture for the house.

Q You did that in the last three days ?

A Yes, sir.

Q Have you any of the bills that you said you paid ?

A I have not got them with me; I have them home.

Q Can you let us have those later ?

A Yes, sir.

Q Who did you buy the furniture from ?

A From Mr. Miller, on Eastern avenue; I don't know the address.

MR. HOCHMAN: 3906 Eastern avenue.

Q (MR. NILES) What other money did you say you paid ?

Q A I paid Mr. Miller a bill.

Q The money in the Benton National Bank is also from the proceeds of the sale of gold ?

A Yes, sir.

Q That Henry gave you ?

A Yes, sir.

Q What is that name here (indicating) ?

A Gertrude Everham (?) -- that is my mother.

Q You have married again ?

A Yes, because I only lived with my husband a short time after I married him -- that was 12 years. 1923?

Q Why do you use the name of Ruth Fisher ?

A That is my married name, the second marriage -- my first name was Grob, and that is my married name.

MR. KILLES: I offer this book in evidence.

(Book referred to was then filed marked Exhibit Fisher No. 2).

Q That other bank did you put this money into ?

A That is all.

Q Only those ?

A That is all.

Q Now, the total of these sums is \$2200, I think, is that right ?

WITNESS: That do you mean ?

MR. NILES: Is that all you got from the sale of gold ?

A The sale of gold was \$3400.

Q What happened to the other \$1200 ?

A I could not tell you -- I paid bills I owed, back rent, insurance, and helped poor people that helped me when I did not have anything.

Q Who did you get the \$3400 from ?

A From a Hebrew man.

Q Where ?

A He came to my door, and I showed him a \$20 gold piece, and asked him what he would give me for it, and he said \$20, and he asked me did I have any more, and I told him, Yes, so I had it in my mattress, and I told him to wait until I came down, and he asked me how much it was, and I told him I did not know; I did not count it.

Q When was that ?

A The last of May.

Q How many times did he come there ?

A He came the first time -- one time, and he told me to wait, he would come back -- he gave me \$20 for the first piece, and he told me he would be back, and he came back, and I had a little tavern there, and he took me in the back room, and he counted me \$3400, \$100, \$50, and the lowest \$5, and he said, You don't know me, and I don't know you, and you don't have to be scared. I took and sold the place, gave the fix-
tures away and sold some, and moved to Collington avenue, and I paid my landlord \$75.

Q You had never seen him before ?

A No.

Q Have you seen him since ?

A No.

Q You told Lieutenant Williams you sold this gold uptown ?

A No, sir.

THE COURT: Ask her whether she did.

Q (MR. WILSON: Lieutenant Williams this morning said --

I will withdraw that question -- now, did you have any

dealings with Mr. Yale Merrill ?

THE COURT: The Lieutenant said he never met her.

Q (MR. NILES) Do you know Yale Merrill ?

A There was one man, I was working at Choptank, Maryland, and he came up and brought me to the Post Office, and asked me to make a statement, said he was a Government man.

Q What did you tell him ?

A He asked me when I got married, how many children I had, how I got along, and I told him everything about the gold, what I had, and how much I had left -- I told him all that.

MR. HOCHMAN: Who was he, was he --

A I don't know.

THE COURT: He was some Secret Service man.

Q (MR. NILES) Now, Mrs. Grob, when did you first know that Henry had this money ?

A I did not know it -- here is how I first knew it -- I did not know it, and I was laying in bed about 9 o'clock and Henry came up and woke me up and he had a dollar

gold piece, and he said, Give me fifty cents for that, and I said, Where did you get it, and he said, Teddy has a whole lot, and he knows, and I gave him fifty cents that afternoon, and he said, I will tell you, close the place and lock the door, and come back in the kitchen, I want to show you something. I did, and he took me back and he pulled out a tin can of this money, and he said, Don't give it up like you did before, Mrs. Jones is going to keep hers, and you keep yours. We did not get anything out of the first, you turned it in, and maybe we can get something for this.

Q Did he tell you where he found it ?

A He told me he found it in the cellar where he found the other stuff, a place that adjoined the other spot.

Q Then what did you do ?

A I took the money and opened up a mattress and sewed it in the mattress.

Q How long after ?

A I had it there about a week before this man came around.

Q You sold it sometime in May ?

A Sometime the last of May -- it was just found the last of May.

THE COURT: What time do you think it was found ?

A I think it was around the 7th, because I could figure how my rent was due the first of June, and I owed -- that would put it in June -- I had it in the house the whole week, before I showed it to the man that came to my door.

Q (MR. NILES) Did Theodore Jones hang around your house a good deal ?

A Not any, outside, he used to call for Henry in his car.

Q Has Henry a car ?

A Yes, a little small coupe that I bought out of my money, when I had the tavern.

Q That you paid for ?

A I sold my bar and I paid for the little coupe.

Q You had a tavern ?

A On Caroline street.

Q When did Henry get this automobile ?

A He got it after I moved to Highland avenue.

Q You paid for that ?

A I did.

Q Out of what money ?

A Out of my own money, not out of the gold money.

Q You kept it separate ?

A Yes, I had so much left in the house of my own money.

Q What kind of an Automobile is it ?

A It is a little Ford, a closed-in car.

Q How much was it ?

A \$95 for the car, and \$5 for the license or tags.

Q Who did you buy it from ?

A Out here on Eastern avenue.

Q Was it new or a second-hand car ?

A A used car. I gave my brother the money to get the car for the boy.

Q Is Henry working now ?

A No.

Q Is he in school ?

A No, sir.

Q When did he quit ?

A Last May he broke his arm up at the Vocational School --

Q Has he had any job since then ?

A No, sir.

Q What has he been living on ?

A I take care of him.

Q Are you making any money now ?

A No, sir, not right now; I just came home from the county
they gave me ten dollars a week and board.

A Did you see in the witness room here this morning a
Merrill ?

A There are so many out there I don't know who they are.

Q Do you remember having seen him ?

A No, sir.

Q Did you ever have a conversation with him ?

A No, sir.

Q Did he ever come around to you when you were on Highland
avenue and ask you about gold ?

A I remember men coming there, I don't know who they were
four of them.

THE COURT: Did you slam the door on someone and
tell them to get out ?

A Yea, sir.

P. 197
Chapman
↑
county

Highland

Q Tell us about that.

A The first time they came I was sitting in the parlor by myself, and four men came in --

Q Four men ?

A Four of them, and they asked me how about the gold, and I said, What gold, and he said, You know you have gold, we are buying gold, if you want to know anything about gold go to my lawyer in the Lord Baltimore Hotel, and he came back two nights later, three of them, and my brother-in-law and sister was there and I said, Here they come and I locked the front door, and after they left I went out and the young man held his head down ^{that} was driving the car -- they were well dressed men.

MR. MILLS: What was that about the Lord Baltimore Hotel, what part did that have in it ?

A I just said that. All my statement has something to do with the first gold -- I was telling these men that.

THE COURT: Do you mean the Lord Baltimore Hotel or the Baltimore Trust ?

A You know the first gold that was sold.

Q It was sold at the Lord Baltimore Hotel ?

A I told them it was.

Q (MR. HILES) You did not tell anybody that you had this ^{plus} gold ?

A No, sir.

THE COURT: Your boy knew it ?

A Well, Henry knew it, just him and I.

Q You have two sons ?

A Yes, I have one son that works at the pickle place.

Q Did you see him with any money since the first of September ?

A No, sir.

Q You live at 1212 S. Highland avenue ?

A Yes, sir.

Q (MR. LEVIN) Did she say she still had six hundred dollars ?

WITNESS: Six hundred dollars.

THE COURT: If she advertises it someone will get ^{get} in their place.

(Examination concluded)

MR. LEVIN: I do think that Mrs. Grob should be

told to bring that money into Court to be held subject to what order there is as to the first case, second case, or whatever case it is.

MR. HOCHMAN: Why are you interested in it ?

THE COURT: Let us go on with this case now.

HENRY GROB, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

Q (MR. NILES) How old are you now ?

A 16.

Q 16 ?

A Yes, sir.

Q You are living at 1212 South Highland avenue ?

A Yes, sir.

Q With your mother ?

A Yes, sir.

Q Now, are you going to school ?

A No, sir.

Q When did you quit ?

THE COURT: Talk louder.

A After my birthday on May 12th.

Q What are you doing now ?

A Nothing.

Q Have you had any job since you quit school ?

A I was working down the country a long while.

Q Where was that ?

A Preston, Maryland.

Q Preston, Maryland ?

A Yes, sir.

Q Now, last winter there was a trial about the finding of some gold, you remember that, of course ?

A Yes, sir.

Q Last August you found some gold -- August 1934 you found some gold at 132 South Eden street, did you not ?

A Yes, sir.

Q And the first thing you did was to turn some of it into the police ?

A Yes, sir.

Q And you held some back--

THE COURT: That is not the first thing he did

quit school
age 16
5/12/1935

PP 23, 35, 197

at all-- that is not correct. That is a matter of record here -- you know what he did -- go on with what you want to find out, what he turned over, when he turned it over and what was found -- that is what you are after.

Q (MR. NILES) At the time some gold was turned over to the police, was it not ?

A It was.

Q That is right ?

A Yes, sir.

Q Was it all the gold ?

A Yes, sir.

Q All the gold that was found ?

A Yes, sir.

Q Since that time you got some more gold ?

A Yes, sir.

Q And that has been sold ?

A Yes, sir.

Q Who was that sold to ?

A I don't know.

Q Were you present when your mother got the money for it

A No, sir.

Q Did you see it sold ?

A No, sir.

Q You do not know anything about it ?

A No, sir.

Q How much did she get for it ?

A \$3400 she says.

Q How much gold did you have ?

A I did not count it.

Q Why did you not count it ?

A It was a lot of little pieces and --

Q When did you find this new gold ?

A I don't remember the date.

Q What month was it ?

A I guess it was about in May.

Q May of 1935 ?

A Yes, sir.

Q How did it happen ?

A I went over to Teddy's house and I told him I felt lucky; I said let us go down in the cellar and dig, and he said, All right, and we just went down and found

it -

Q You were at Theodore's house when you said it ?

A Yes, sir.

Q And was his mother there ?

A Yes, sir.

Q Did his mother tell you to go down in the cellar ?

A No, sir, she did not say anything.

Q She did not tell you anything -- what were you digging with ?

A I think I had a shovel.

Q Where did you get it ?

A Down in the cellar.

Q What kind of a shovel was it ?

A A small one.

Q Used for what ?

A I guess to take ashes out of the stove.

Q That was down in the cellar -- what did Teddy have ?

A A pick.

Q You are sure he did not have an ax ?

A I do not know whether he had an ax or a pick.

Q Was it dark when you were digging ?

A Yes, sir.

Q Did anybody have a light ?

A No, we did not have a light; it was one small window in the cellar.

Q Did you have a flashlight ?

A No, sir.

Q (MR. NILES) Did you have to have a light or could you see perfectly well ?

A We could not see so well, we needed a flashlight but I did not have one .

Q What time of the day was this ?

A About 4 o'clock in the evening.

Q And what day of the week was it, do you remember ?

A No, sir.

Q (THE COURT) You don't remember the time of the day or date ?

A No, sir.

Q What did you find and where did you find it ?

A About a foot away from where we found the other can of gold and it was in the same sort of container.

Q Any cover on it ?

A Yes, sir.

Q What was it like ?

A Like the other one -- like canned goods are sold.

Q What was the color of it ?

A It was all corroded.

Q What color was it ?

A Green and --

Q Any rubber put over it like other cans have on them ?

A No, sir.

Q How big was it ?

A About as big as a gallon can, the same size as the other one.

Q What kind of material was it made of ?

A Copper.

Q The second one looked just like the first one ?

A Yes, sir.

Q Do you know the difference between a copper and galvanized one when both get rotten ?

A You can see the difference in them.

Q This was not a galvanized can according to your idea ?

A That is right.

Q How ?

A It was not.

Q You think it was like the other one ?

A Yes, sir.

Q That you say was copper ?

A Yes, sir.

Q With a hole in it like the other one had ?

A Yes, sir.

Q Did it have any handle ?

A No, sir.

Q Could you pick it up without --

A We picked it up from the bottom.

Q To prevent it from breaking and falling apart ?

A Yes, sir.

Q How did you carry it upstairs ?

A In an old suit case that was laying there.

Q Laying where ?

A Down in the cellar.

Q You put it in that ?

A And took it upstairs.

Q Why did you do that ?

A So the can would not fall apart ?

A No, green --

Q You are sure ?

A Yes, sir.

Q Was it sticking together like the other one ?

A Yes, sir.

Q You saw the other one ?

A Yes, sir.

Q Did you look at any of the dates ?

A No, sir.

Q Did you see Teddy look at any of them ?

A No, sir.

Q Did either of you call out the coins of such and such a date ?

A No, sir.

Q You took it upstairs in the can or in the old suit case and then what happened ?

A We showed it to Teddy's mother and she told me not -- made me say I would not tell anybody about it. And I promised I would not and we -- we put same out on the table and started to clean it up and a knock came to the door and it was Mr. Rummel, and we took the money off

and
the table, put it in a corner, and she took him out into
the kitchen, and me and Theodore got it and put it on
the bed and divided it.

Q How did you divide it ?

A Piece for piece.

Q Did you put it in anything ?

A I had mine in a can.

Q What did he have his in ?

A Some kind of cardboard box.

Q You put it piece by piece, you mean of the same size ?

A Yes, sir.

Q Did you know how much money was in each pot ?

A No, I think about half and half.

Q You don't know how much was the face value ?

A No, sir.

Q What did you do with yours ?

A I left it there until it got dark; she did not want me
to tell my mother about it.

MR. MILES: Who did not want you ?

A Mrs. Jones.

THE COURT: You waited until it got dark ?

A And I got in the house without my mother seeing me and later I told her about it.

Q Then did she tell you to give it to her ?

A Yes, sir.

Q What did she do with it ?

A She held on to it and then later on she told me she had sold it.

Q Did she tell you how much she got for it ?

A Thirty-four hundred dollars she said.

Q Did she show it to you ?

A No, she did not.

Q Did she give you enough to buy an automobile ?

A Yes, sir.

Q How much was that ?

A \$400.

Q Did you get anymore out of it so far ?

A No, sir.

Q Were you present when she made any of these sales to anybody ?

A No, sir.

Q (MR. NILES) Where was the automobile bought ?

A Mt. Royal avenue across from Mt. Royal Station.

Q What kind is it ?

A Ford v-8 -- 1932.

Q Did you have any automobile before that one ?

A Yes, sir.

Q What kind was that ?

A '29 Ford.

Q Where did you get the money to pay for the new Ford ?

THE COURT: Which was the new Ford ?

MR. NILES: The Ford v-8.

Q How much was paid for the first Ford ?

A \$95.

Q Where did you get that car ?

WITNESS: Where did I buy it ?

MR. NILES: Yes, sir.

A From a private party -- he lives up the street from us.

Q What is his name ?

A Young, the last name.

Q What is the first name ?

A I don't know.

Q What is his number ?

A I don't know that.

Q Does he still live there ?

A Yes, sir.

Q You mean on Highland avenue ?

A No, sir, it is the next block up from Highland avenue.

Q What street does he live on ?

A I don't know the name of the street.

Q Are you sure you did not get that used car yourself ?

A I am positive.

Q You are positive you did not ?

A Yes, sir.

Q Your mother gave you the money for it ?

A Yes, sir.

THE COURT: Did you buy it yourself or send somebody else to get the car ?

A I did it myself.

Q You did it yourself ?

A Yes, sir.

Q (MR. NILES) What month was that in ?

A I don't remember.

Q (THE COURT) How soon after you found the money ?

A About 2 months after.

Q When did you buy the Ford V-8 ?

A About 10 weeks after.

Q That is to say you had the Ford four--

A Two weeks.

Q You only kept the first Ford about 2 weeks ?

A Yes, sir.

Q Then you traded it in ?

A Yes, sir.

Q Did your mother give you the money for the Ford V-8 ?

A Yes, sir.

Q Cash ?

A Yes, sir.

Q What was the name of the place where you bought the Ford V-8 ?

A I don't know the name.

Q Whose name is the title in, yours ?

A Mine.

Q Your own name ?

A Yes, sir.

Q Have you an operators license ?

A No, sir.

Q Do you drive it ?

A No, sir.

Q Who does drive it ?

A My brother-in-law.

Q What is his name ?

A Paul Everhardt.

Q Have you got another brother called Tom Grob ?

A John.

Q What does he do ?

A He works in Panzer's Mayonnaise department.

Q Now, don't you ever drive this automobile ?

A No, sir.

Q How long were you down in the cellar digging ?

A About a half hour.

Q You had not been down in the cellar since just after the first find, had you ?

A No, sir.

Q Did you ask anybody's permission to go back there ?

A Theodore, he lived in the house.

Q Anybody else ?

A No, sir.

Q You had not gone down to do anything for Mrs. Jones, had you ?

A No, sir.

Q Did you get any fire wood from the cellar before you went down --

A I don't remember.

Q You say that Theodore had a pick ?

A Yes, sir.

Q Where did he get that ?

A I don't know.

Q Did he not carry it along with him ?

THE WITNESS: You mean at the time he used it --
it was in the cellar.

Q The pick was already there ?

A Yes, sir.

Q Now, you remember that at the first trial we had some pictures of the cellar, and I am going to show you one, which is marked Exhibit number 4 which shows where that first gold was found, do you remember that ?

A Yes, sir.

Q Do you remember exactly where the first gold was found ?

A It was not exactly found right there, but up here.

Q I am talking about the second find ?

A Right in front of it.

Q Now, will you take a pin and put it in this picture and show where the second gold was found ?

A The first was here(indicating) and the second was there (indicating).

MR. HOCHMAN: Where is it ?

A The first here (indicating).

Q Where was the second one ?

A Directly a foot in front it.

MR. NILES: I am going to get the stenographer to mark those 1 and 2.

(Photograph was then marked at points indicated first and second find)

THE COURT: Do you know where the two brick walls come together in the corner here, measure it in feet -- would you say it was about 2 feet ?

A About a yard.

Q A yard which way, from which wall ?

A A yard from each wall would put it right.

Q About 3 feet from each wall ?

A Yes, sir.

Q Measured in the same way where do you think the first pot of gold in feet was found from each wall ?

A About 2 from the one side wall and about 3 from the other.

Q And the second find was a little bit further off ?

A Yes, sir.

Q And the first one was nearer to the corner than the second ?

A Yes, sir.

MR. NILES: I offer this in evidence.

(Same was then filed marked Henry Grob #1)

Q Now, Henry, do you remember where that gold was found, the second find ?

A It is not much space where that was found --

Q You know that house runs east and west ?

A Yes, sir.

Q I take it from this picture, this point you have marked, that you say was the second find was west of the first find ?

A Yes, sir.

Q Is that right ?

A Yes, sir.

Q Now, are you sure of that ?

A Yes, sir.

Q Because I tell you now, that Theodore Jones said that was found south of the first find.

A I can't tell you what Theodore said, I am telling you what is right.

THE COURT: Theodore said it was found close to the corner where the two walls came together.

A Yes, sir.

Q (MR. NILES) What did you do with the pot that you found this gold in ?

A Theodore's mother said she was going to throw it overboard, I don't know whether she did or not.

Q When did she say that ?

A After we had taken the gold out of the can.

Q I could not hear you.

A After we took the gold out of the can.

Q That is the same day ?

A Yes, sir.

Q Did she say where she was going to throw it overboard ?

A She did not.

Q What did you understand her to mean ?

WITNESS: Sir ?

MR. NILES: What did you understand her to mean
by throwing it overboard ?

A Get rid of it.

THE COURT: That is all ?

A Yes, sir.

Q You don't mean to say she was going to take it on a ship
and drop it in the bay like the policemen take pistols
and dump them in the bay -- you did not mean that ?

A No, sir.

Q (MR. NILES) When was the last time you saw it ?

A That was the day it was found, was the last day I saw it.

THE COURT: After it was emptied you were not in-
terested in it anymore ?

A No, sir.

Q (MR. NILES) Mr. Rummel came in while you were counting
out the gold ?

A Yes, sir.

Q Did he help you ?

A I told you we took it off the table and she took him in the kitchen -- he was not supposed to know anything about it.

Q Did you say how deep this pot of gold was that you found - how deep under the surface of the earth ?

A About 6 inches or 9 inches.

Q About 6 inches ?

A Yes, or 9 inches.

THE COURT: 6 or 9 inches.

Q (MR. NILES) When you went down in the cellar -- the partition between the front part and the back part -- was there any partition between the front part and the back part ?

A No, sir.

Q That is only three weeks ago ?

WITNESS: That is three weeks ago ?

MR. NILES: Then you found this.

THE COURT: Why, that was in May.

Q (MR. NILES) Let me ask you one other question -- how did the cellar, when you found the gold the second

time, differ from the way it was when you found it the first time ?

A It was no door on it.

Q Was the partition there ?

A Yes, sir, but no door there.

Q I am showing you the same place that you just pointed to -- was there a hole in this partition ?

A There was no door.

Q No door on there ?

A No door.

MR. NILES: That is all.

Q (MR. SOBLOFF) Was there anything in the pot, besides gold coins ?

A No, sir.

Q Did you find any oyster shells this time ?

A No.

THE COURT: You mean oyster shells in the pot?

MR. SOBLOFF: No.

A There was oyster shells all around.

THE COURT: All around the cellar ?

A Yes, sir.

Q You mean the ground in the cellar was full of broken oyster shells ?

A Yes, sir.

Q And in digging there, did you dig through the same kind of dirt you dug there the first time ?

A Yes, sir.

Q (MR. SOBIELOFF) Did you notice whether there was any indication that anybody was digging around that part ?

A No, sir.

Q Did it look like it did in August, 1934 ?

A Yes, sir.

Q It had not been disturbed ?

A No, it seemed like they looked everyplace in there, but that one place.

Q You mean they looked everyplace, but around where you were ?

A Yes, it looked like someone went through there with a plough.

(Examination concluded.)

MRS. BESSIE RUMMEL, a witness heretofore produced and sworn, recalled, testified as follows:

DIRECT EXAMINATION

Q (THE COURT) You just came back from the Eden street house, did you not ?

A Yes, sir.

Q Have you talked to anybody since you went out of here, about the case ?

A No, sir.

Q Did you find the can ?

A No, sir.

Q Why not ?

A I went down there, and the lady on the first floor back, told me the landlord could tell me someone was down there and the doors were all locked back, and you could not even get back in there --

Q You mean the cellar is all locked up ?

A Yes, every door had a lock like it was nailed up -- she went down with me, and she gave me a candle, and Officer German and another officer tried to borrow a flashlight, but nobody had a flashlight.

Q You did not find the can there -- it is not there ?

A No.

Q (MR. EBY) Did you not say the can was thrown in the yard ?

A According to my husband; it might have been thrown out by someone else, but not by me, and I never mentioned I was going to throw it overboard.

(Examination concluded.)

YALE MERRILL, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION.

Q (MR. EBY) What business are you engaged in ?

A Advertising business.

Q Where are your offices ?

A American Building.

Q What number ?

A 709.

Q How long have you been there ?

A I have been there since March, 1934.

Q Mr. Merrill, have you ever negotiated with Mr. or Mrs. Rummel, in regard to the purchase of some gold coins ?

A Yes, I did.

Q Tell the Court what you know about that.

A Sometime in June, I think it was, the latter part of June, my brother suggested the idea --

Q Your brother ?

A Yes.

Q What is his name ?

A Eli.

THE COURT: Let him tell his story, without constantly interrupting him.

A Sometime in June, my brother suggested the idea to me, after reading accounts of this gold case in the paper, that the owners might have possession of some of the coins that were given them at the time of the auction sale -- he suggested we go down there, and possibly, buy them and form a collection of our own. I had seen catalogues of coins, and I believed it would be a good idea to have a collection in partnership with him. We also knew, of course, that the gold clause had been

passed -- we read the gold clause act, and according to our understanding of it, there was a clause in there that specifically gave the right to buy or sell coins of numismatic value. We also believed we had the right to purchase them because of the decision of this Court, Judge O'Dunne, and ^{we} went down and spoke to Mrs. Jones, at that time, she later became Mrs. Rummel, in the presence of the boy and Mr. Rummel, who later became his step-father -- when we negotiated the purchase, we felt as if we were transacting a perfectly legitimate deal. Now, the first time we went there, they told us that they had some coins, and they showed us a few of them -- I think there were about eight or ten small pieces, \$1 pieces, and four or five other pieces -- and they told us that they might have some more, they were uncertain. We said we were interested -- they did not want to sell them -- we said, If you are interested in selling them, you can get in touch with us, whereupon, I left my address in the American Building, and several days later, I had a call from both Mrs. Jones and Mr. Rummel, they came to say that they had

some, and if we would come down to their place that evening, we could possibly consummate a sale, a deal; we went there that evening, and they told us they had not been able to get all the coins, that they were not at their home, they had to go somewhere else to get them, but if we came back the following evening, that probably they would have, say, \$500 worth, and at the time we spoke of the purchase of \$500 worth, we agreed to give them \$600 for the \$500 worth -- we got there, and they did have \$500 worth, and wanted \$625. Well, we struck a bargain -- my brother did the negotiating -- struck a bargain for \$605 -- there was a question whether he offered them \$625, and later he said, I will give you \$605, and they agreed on the \$605.

Q (MR. EBY) Was that money actually paid them?

A Yes, \$605.

Q (THE COURT) You knew you were not buying coins that were the subject-matter of litigation --

A The thing I was interested in most, your Honor, were those two features -- the first one was your decision that they were the rightful owners, and the second

one was the Gold Clause Act, as I understood it that anyone had a right to buy or sell without reporting numismatic coins.

Q (MR. EBY) Did they give you any idea as to when they found the coins ?

A Yes, they said they found them considerably later than the time of the first purchase, when, I don't know -- I mean the time of the first find.

Q Did you ever discuss the matter with Mrs. Grob or Henry Grob ?

A Yes -- after our second sale had been negotiated, and they kept us disappointed on the third, finally, he said, Mr. Rummel said, It is possible that Mrs. Grob has some, and we did not know where she lived, and he took us down there to a place on Highland avenue -- I think the number was 1212.

Q Who went there ?

A My brother and I.

Q What kind of a reception did you receive ?

A She was very vehement in her denial that she had any coins; it seemed other people had been coming there,

and trying to purchase the coins from her, and she became very excited, and we said, If you have not got any, it is perfectly all right.

Q You did not actually buy any from her ?

A No, sir.

Q Just the two of you visited her ?

A Yes, sir.

Q You were not accompanied by anyone else ?

A Mr. Rummel accompanied us.

Q Mr. Rummel ?

A Yes, he took us down there.

Q Did he go in with you ?

A No.

Q These people did not tell you much about the details of the finding of the gold ?

A No.

Q Did they ever show you the container in which these coins were found ?

A No.

THE COURT: He was not interested in the romance end -- he was interested in the commercial end

of the gold, the price --

WITNESS: My brother has a better knowledge of the valuations than I have, and he had mentioned the thing to me several times, and I was fascinated with it, and I made a trip to the library and read some of the literature --

Q (MR. EBY) You bought it at the price of \$1.25 for each dollar ?

A Yes, sir.

Q In accordance to the dates of the coins ?

A The catalogue I had seen, claimed they were paying between \$1.25 and \$1.50 for the coins, small coins, depending upon their condition.

Q Do you know what the actual gold content of one of these dollars is worth ?

A I don't know -- I can only guess -- I think it is about \$32.

Q \$32 an ounce ?

A \$32 for twenty.

Q Could you tell the dates at that time ?

A Yes, they were very discernible.

Q (THE COURT) Were there any ones in that lot ?

A Yes, there were, -- 1092 ones -- we did not list the dates of the ones, it would have been quite a job.

MR. EBY: We would like to offer that list in evidence.

(List referred to was then filed marked Merrill Exhibit No. 1).

Q You made a number of trips to the house there, 132 S. Eden street ?

A Yes, sir.

Q About how many, in all, would you say ?

A I would say probably between eight and ten.

Q And with whom did you discuss the matter of buying coins ?

A With all three of them, Mrs. Jones, later Mrs. Rummel, and the boy, Theodore Jones --

Q And Mr. Rummel ?

A Yes, he was there.

Q Did any of them come to your place at any time ?

A Yes, Mr. and Mrs. -- when I say -- when I say Mr. and Mrs. Rummel, they were not Mr. and Mrs. Rummel at that

time -- they came to let us know, they came and told us they had \$500.

Q How many times ?

A One time. I wanted to negotiate the entire deal in my office, and they did not want to do that. I did not relish the idea of running down there, I looked upon it, and I still do, as a legitimate transaction, but they insisted upon it -- they were very peculiar people, and there was a great deal of secrecy on their part.

Q You say there was a great deal of secrecy -- did she tell you anything about where they got the coins ?

A Yes, they said they had found the coins, had made a second find -- they told us they had made a second find.

Q The first time you went there was in June sometime ?

A Yes, sir.

Q Did they tell you whether they had any more ?

A They said they might have \$1000 worth, and they were very anxious to sell, but they said they wanted \$1.25, because they had been offered, and had sold coins to other people for \$1.25. Well, it looked to us like a

good purchase, and we agreed to pay them \$1.25. They asked us to come down, I believe, the following evening, and we came down the following evening with \$1250 -- that was for \$1000 of coins at \$1.25 for a dollar.

Q \$1000 in coins ?

A \$1000 worth of gold coins, which had a numismatic value to us of \$1250. We came back and they did not have them and they told us to come back the following evening, and we came back the following evening and they were not there. I think there was a message that they had gone to the movies, or someplace; I think they had gone to the movies, and that they would be back the following Monday, which was three or four days later. I think this was about Thursday, we should be back the following Monday. Then there was a series of disappointing visits that occurred between the time of our first purchase, and to the best of my memory, it was sometime between the last week in July and the first week in August when we did come back again, and they said they had the coins, but we did not have the cash with

us, and they said, Come back the following evening again, and then we made the purchase at \$1250.

Q That was the second lot ?

A Yes, sir.

Q Between the latter part of July and the first of August?

A Yes, sir.

Q You also bought a third lot ?

A That is right. Then again, they told us they had some coins, and again we went back and forth, this time I think about three or four times, and finally, the last part of August -- I cannot remember the date quite clearly -- I think it was the 26th or 27th, the very last week in August, we purchased another lot, for which we paid \$1150.

Q For \$1000 in gold ?

A Yes, sir. The reason for the difference in value was, that my brother explained that there was a difference in value between the smaller coins and the assorted collection of larger coins which were sold at the last sale.

Q When did you fix the time of the third sale ?

A That was the latter part of August.

Q Now, Mr. Merrill, do you still have these coins, or does your brother still have them?

A Yes.

Q Your brother, Eli -- what business is he in?

A He is a clerk at Berman's Loan Office.

Q Where is that located?

A 636 W. Baltimore street.

Q In the employ of Berman's Pawn Shop?

A Yes, sir.

Q And there was a list of the coins made -

A Yes.

Q Who actually has the coins now?

MR. SOBLOFF: They are available, if you need them.

MR. EBY: Who has them?

MR. SOBLOFF: They are right here on the trial table.

MR. EBY: Are you going to produce them?

MR. SOBLOFF: They are here and will be produced at the proper time.

also p. 248
cf Sun 9/21/35
P. 4 -
Sobeloff
objection
here

MR. EBY: Who brought them here ?

MR. SCHELOFF: We brought them here.

Q (MR. EBY) Have you any list of the dates of the coins and the denominations of them ?

A He has the denominations -- I think he has most of the dates.

Q Do you have it ?

A No, there is only one copy.

THE COURT: He has the dates and the lawyer has the coins.

WITNESS: That is right.

THE COURT: Let us have the dates, and let the lawyer keep the coins.

Q (MR. EBY) Did you bring them here, or your brother ?

THE COURT: Let us have the dates.

WITNESS: I don't have the dates.

THE COURT: What is your recollection, as to the dates ?

A They run from 1834 to 1856. The dates were checked, and they are the same as was sold at the auction sale.

Q The same date ?

A Yes, sir.

Q (MR. EBY) Did you examine the coins before you paid the money for them ?

A Of course.

Q You and your brother ?

A When I say we examined them, we did not scrutinize them, the dates were very discernible.

Q Good condition ?

A Yes, sir.

Q In whose actual control are those coins at the present time ?

A It is a partnership -- my brother and I bought them.

Q As partners ?

A Yes, sir.

Q You and your brother have control of them ?

THE COURT: They have passed on into the hands of their lawyers. He has them in the grip on the trial table.

Q (MR. EBY) Have you kept those coins since you bought them --

A Yes, they are there.

Q Where have you kept them since you bought them ?

MR. SOBELOFF: What is the difference?

THE COURT: They are here now.

(Examination concluded.)

ELI H. MERRILL, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION.

Q (MR EBY) What business are you engaged in ?

A I am a clerk.

Q For whom ?

A Isaac Berman.

Q Where are you located ?

A 636 W. Baltimore street.

Q And what business is he engaged in ?

A Loan business.

Q How long have you been employed there ?

A About nine years.

Q You and your brother purchased certain gold coins from Mr. and Mrs. Summel, did you not ?

A Yes, sir.

Q When did you first go there to see about buying them ?

A About the middle of June -- around the middle of June.

Q The middle of June, 1935 ?

A Yes, sir.

Q You went over to the Eden street house ?

A Yes, sir.

Q Tell the Court what you did on that occasion -- tell the story of your purchase of these gold coins.

A About the middle of June, we went down to see the Joneses, and we asked them if they had any coins, old coins, and they said they did, and they asked us would we like to see them, and we said we would, and they showed us a few coins. We asked them whether they had any more; they said they might, and we said, How many do you have, and they said, We don't know; Do you have any more -- We don't know. Well, upon those answers, I thought they were afraid to do business with us, and I said, We will leave our address and you can get in touch with us if you have any more, and we will be glad to purchase them from you at a premium value, if you have any of the old coins. A few days later,

they came up to the office, and they said they might have some that night, and later on, we went down there that night, and they said they were not able to obtain them, but they might have them the next night, upon which, we returned the next night, and we made a purchase of \$500 in coins, for which we paid \$605.

Q \$500 in face value of gold ?

A Yes, sir.

Q Then you had other negotiations with them later ?

A Yes, sir.

Q Did you come back to their house ?

A We went back to the house from time to time. There were a lot of real silly excuses that they had -- they had to make a trip to Pittsburgh -- upon one occasion, they said they had to take a trip to Pittsburgh, then on another occasion, they went to the movies; there were a lot of silly things, and some nights, they would say, Come back some other night -- it was just a lot of foolish and funny things.

Q The first purchase you made was in June, was it not ?

A I think it was the latter part of June.

Q When did you make the second purchase ?

A The second purchase, as far as I can recollect, must have been around either the latter part of July, or about the beginning of August.

Q How much did you pay ?

A We purchased \$1000 after we agreed on the price of \$1250.

Q Were they all one-dollar coins ?

A No, an assortment of coins.

Q An assortment ?

A Yes, sir, mostly ones.

Q The majority were ones ?

A I would say the majority of them.

Q The face value was \$1000 ?

A Yes, sir.

Q What did you pay for those ?

A \$1250.

Q Then you went back the third time ?

A Yes, then the same thing occurred again, going up to Pittsburgh, was going up to buy a dress, a lot of excuses, and finally, we made a purchase of \$1000.

Q How much was the purchase price ?

A \$1150.

Q Why was the difference in \$100 ?

A These were larger coins, some of them \$20 -- these had a little less value, and we agreed to purchase them for \$1150, and we paid them that amount.

Q On each of these occasions, who paid out the money ?

A I paid the money.

Q You turned over the money ?

A I turned over the money; I made the transactions practically all myself.

Q To whom did you give the money ?

A Mrs. Jones.

Q Each time ?

A Yes, sir.

Q Was anybody present besides your brother ?

A Yes, Mr. Rummel and Theodore Jones.

Q (THE COURT) Were you buying them for yourself and brother, or for the loan office ?

A We were buying them ourselves.

Q Did Berman have any interest in them ?

A Absolutely none.

Q (MR. EBY) You and your brother were in the partnership alone ?

A Yes, sir.

THE COURT: It was your own money, and your brother's ?

A Part mine, and part his.

Q Between the two of you, it was your joint money, your money put together paid for it ?

A Yes, sir.

Q Did anybody contribute any of the money, or have anything to do with it ?

A No.

Q You did not borrow any of the money ?

A No, sir.

Q (MR. SOBELOFF) Did anyone else know anything about that transaction ?

A No one else knew about the transaction.

Q (MR. EBY) You paid the money out of your own savings?

A Yes. I do not think anybody else knew about it, but the Joneses and us two.

Q What did you do with this collection of coins, after you got them ?

A We put them in a safe place.

Q Are your office ?

MR. SOBLOFF: What do you care -- I object.

THE COURT: They are here now.

Q (MR. EBY) Have you any other coin collection besides this ?

A I have one in my pocket -- I just happened to have a coin --

Q Have you bought any ?

A You are asking me, and I am going to tell you -- I have a coin here -- I don't know whether it has any relation to this case, but I have a coin here of 1819, a lucky coin, but I may not be so lucky.

Q You have not been engaged in the business of buying gold coins -- there might have been some coins there of great value --

A It might have been; I would not know --

THE COURT: Are there any other outside of these coins mentioned in this case ?

see p 239

A No, sir.

Q And those coins you brought into Court ?

A Yes, sir, they are there.

Q (MR. SOBLOFF) As a matter of fact, your brother is in the advertising business ?

A Yes, sir.

Q Did he have some plan to employ that collection in some way in the advertising business ?

A We were talking from time to time, and we had an idea they would have a great possibility for display purposes, as an advertisement.

THE COURT: Are we going into the advertising business now ?

Q (MR. SOBLOFF) As a matter of fact, Yale Merrill got the idea that these coins, as a collection, might be used for display purposes in department stores, and was about to make arrangements --

MR. EBY: Did you make that schedule that has been offered in Court here, did you make that list of the coins ?

WITNESS: Did I make the list ?

MR. EBY: Yes.

A Yes.

Q That schedule that was produced here was made by you ?

A Yes, sir.

Q (THE COURT) And it is correct, as to dates ?

A Yes.

Q (MR. EBY) Did you examine the coins before you bought them, to know the dates of them ?

A Yes, sir.

Q You examined all of them before you bought them ?

A Yes, sir, and I can tell you they have different dates.

Q Had you agreed on the price before you examined them ?

A We agreed on the price afterwards.

Q After you examined them ?

A Yes, sir.

Q You just saw them --

A They showed us a few one's --

Q But before you actually bought them, paid your money, and you agreed to buy them, you scouted --

A I could tell them from --

Q Did you examine all of them ?

A I saw the dates.

Q Did you examine all of them ?

A I saw the dates on them.

Q All of them ?

A I would not say all of them; i saw the dates, and every one was --

Q When was this schedule made up ?

A This week -- I think there was an order calling to bring in a complete list of what I had, and I brought it in.

Q Have you any other paper or record pertaining to this purchase of gold coins ?

A No, sir.

(Examination concluded.)

MRS. FRANCES RUMMEL, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION.

Q (MR. EBY) Where do you live ?

A 311 S. Bond street.

Q Your husband's name is what ?

A George Rummel.

Q What does he do ?

A He is a boiler maker by trade.

Q Did he suffer with a broken back at any time ?

A Yes, sir.

Q When was that ?

A That was the 20th of October -- last October.

Q October 1934 ?

A Yes, sir.

Q How long was he confined to the house ?

A 28 weeks he was in bed.

Q You got some gold coins from your sister-in-law, did you not, Mrs. Rummel, Mrs. Philip Rummel ?

A Not from my sister-in-law but from my brother-in-law, my husband's brother.

Q You got them from him ?

A Yes, sir.

Q When was that you got those coins ?

A That was the first find.

Q Out of the first find ?

A Yes, sir.

Q About a year ago ?

A Yes, sir.

MR. LEVIN: Why do you put the words in her mouth ?

MR. EBY: She said the first find.

Q You said the first find, when was that ?

A On the day they found the gold.

THE COURT: When was it ?

A I don't know.

Q How long ago ?

A I don't remember.

Q You know about how long ago you got those coins, give us an idea ?

A I don't remember.

Q Was it this summer or a year ago ?

A I believe it was in August.

Q Last month ?

A No.

Q A year ago ?

A Yes.

Q How many coins was turned over to you at that time ?

A It was not very many -- they had brought some gold in the house of the first find -- the boys had come from the station house, they had gone to return the gold, and they had a few of the coins left -- they had taken it down to the station house --

Q These had not been taken to the station house that were turned over to you ?

A Well, it was just a few of them.

Q What were they, dollar coins ?

A A few of them were dollars, some two and a half and and some fives.

Q Do you know the face value of them, do you know what they amounted to ?

A The fives --

THE COURT: How much did they have at your house that was not turned in to the station house ?

A I think somewhere around \$185.

Q (MR. EBY) You sold those for them, did you not ?

A Yes, sir.

Q About when did you sell them ?

A It was a few every now and then.

Q You did not sell them all at one time ?

A No, sir.

Q How many different sales did you make ?

A About four or five.

Q When did you make the first sale, how long after you got them ?

A We had them right long, about 2 or 3 months before I had sold any.

Q Did you sell them all to the same man ?

A No, sir.

Q To different persons ?

A Yes, sir.

Q Do you know the names of the persons you sold them to ?

A No, I only sold it to people coming from door to door, men to buy old gold, that is who I sold it to.

Q Those persons came to the door inquiring about old gold ?

A Yes, sir.

Q You did not go out and try to sell them ?

A No, sir.

Q What was the total amount you received for the \$185 ?

A It was not all at one time --

THE COURT: How much did it amount to -- did you for
sell it more than the gold value -- did you get a
premium on it ?

A Yes, sir.

Q How much ?

A Twenty-five cents on a dollar.

Q Then you got a little more than \$200 ?

A I think so.

Q What did you do with the money ?

A I returned it to Mrs. Jones.

Q All of it ?

A Yes, sir.

Q Did you get anything for your trouble ?

A No, not from Mrs. Jones.

Q Who paid you ?

A Not from the \$185.

Q How did you get them ?

A Now and then my brother-in-law gave me a few when he
came to the house.

Q He would slip you a few for your trouble ?

A I don't know -- some for the children.

Q Souvenirs ?

A Yes, sir.

Q How much did you get ?

A I got two two and a halfs and three ones.

Q That is \$8 -- that is all you got ?

A Yes, sir.

Q Have you got that home ?

A I have the three at home -- I did sell the two and a halfs.

Q Did you get any premium from them ?

A Twenty-five cents on each dollar.

Q (MR. EBY) Did you turn all the money over at one time to Mrs. Jones ?

A No, sir, at different times.

Q As you sold it ?

A As I sold it.

Q (THE COURT) Over what period of months was the sale continued until you finally sold all you had left ?

A I don't remember.

Q Months or weeks --

A I guess between a month, two or three months.

Q (MR. EBY) Do you know anything about the second alleged find ?

A No, I just heard about it.

Q Was any of that money turned over to you ?

A No, sir.

Q The police came down to inquire about the matter ?

A Yes, sir.

Q And brought Mrs. Jones down ?

A Yes.

Q You had some kind of dispute, had you not ?

A That was a family affair .

Q (THE COURT) You told the police first that you did not know anything about it ?

A I think he was a plain-clothes man.

Q You told him you did not know anything about it ?

A Not the second find -- I told him I did not know anything about the second find.

Q (MR. EBY) You had nothing to do with the sale of the second find ?

A No, nothing whatever.

Q Is your husband in Court ?

A Yes, sir.

Q Does your husband know anything about the sale of this \$185 ?

A No, I don't think he does; he was in bed at the time.

Q (MR. LEVIN) Do you know when your husband's brother became married ?

A No, he very seldom said anything.

Q Don't you know when he married Mrs. Jones ?

A No.

Q Do you know whether it was a month ago or a year ago ?

A No, I could not tell you.

Q Were you ever told of the marriage to Mrs. Jones ?

A Yes, sir.

Q When were you told of the marriage ?

A I heard it unexpectedly and then I saw it in the paper.

Q (THE COURT) Did you hear about him going to Pittsburgh?

A Yes, sir,

Q Did he go ?

A Yes, sir.

Q How many times ?

A Just once that I know of.

Q Do you know when that was ?

A No, sir.

Q (MR. LEVIN) You know now they are married ?

A Yes, sir.

Q When did you first hear they were married ?

A About 2 months, I believe.

Q About 2 months ago ?

A Yes.

Q Did you get this gold before or after you found out he was married ?

A I think after.

Q This \$185 you got after the second find ?

A No, the first find.

Q Did you get this money after you heard your brother-in-law had been married or before that ?

A Not from the second find.

Q I am not talking about the second find ?

A I never got anything -- just a few for the children -- I did not get anything.

Q You said you sold some ?

A Yes.

Q Did you get that gold before or after you heard your brother-in-law was married ?

A It was before.

Q He was married about 2 months ago ?

A Yes, sir.

Q How long before, how soon before or how much before ?

A That was the day they found the gold.

Q When did they make the second find ?

A I don 't know.

Q You found out your brother-in-law got married 2 months ago ?

A I think so.

Q Do you know how much before that time that the second find was made ?

A No.

Q You don't know that ?

A No.

Q (MR. STEIN) Mrs. Rummel, you said for your services in selling these coins which amounted to about \$185 that your brother-in-law would come and slip you one or two dollar and a half gold pieces -- can you recall about

the date of the first time you received such coins ?

A No, I cannot remember.

Q Was it last winter ?

A Yes.

Q He did not talk about the two finds --

A He did not talk about the matter.

Q That the Jones' had some coins out of the first find in their possession ?

THE COURT: That is a little vague. One time he gave three one dollar pieces to the children, and another time he gave her two two dollar and a half gold pieces.

Q (MR. STEIN) That was money he had in his possession that he gave you ?

A Yes, sir.

Q It was not out of the \$185 you had ?

A No, sir.

(Examination concluded)

BENJAMIN HALIS, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION.

Q (MR. EBY) Are you still the agent for the landlords of 132 S. Eden street ?

A I am.

Q Mrs. Windlay and Mrs. French -- have you been there recently ?

A Yes, sir.

Q Did you go down there about the time that the newspapers reported a second find of gold ?

A I did.

Q Which was about the first part of September, was it not?

A It was the day after Labor Day, it must have been the 3rd.

Q Is that partition in the cellar still up the way it was when you testified the last time ?

A Yes, sir.

Q Is there a door on that partition ?

A Yes, sir.

Q Is there any difference at all in that respect, since the last time you testified in this case to hold the partition --

A I could not see anything.

Q Did you go back in the back part of the cellar, where the first pot of gold was found ?

A I did.

Q Did you notice any fresh digging around there ?

A No, sir.

THE COURT: When is he talking about ?

MR. EBY: The first part of September.

THE COURT: That is not when it was found -- that is the time the newspapers found out about it.

Q (MR. EBY) About the time that the gold was found, August 31, 1934, when did you go down after that -- were you down there the same day it was found, the first lot ?

A The following morning.

Q Did you go down there after that ?

A Yes, sir.

Q Was there much digging in the cellar at that time that

you noticed, in the front or back of the cellar, where the gold was found ?

WITNESS: You mean last year ?

THE COURT: Yes, after the first find, was there much digging in the cellar ?

A Yes, sir.

Q Who was doing it ?

A Different people in the neighborhood.

Q Any of your agents do it ?

A No, sir.

Q Why did you not dig up the cellar ?

A I heard that there was nothing there.

(Examination concluded.)

THE COURT: Does anybody want to take any more testimony ?

(No response).

THE COURT: Can I consider the testimony is closed for the present ?

MR. FILES: Yes, sir.

ADJOURNED.

SECOND DAY.

October 2, 1935

THE COURT: Gentlemen, I understand you have another witness that you have produced here.

MRS. BESSIE SUMMEL, a witness heretofore produced and sworn, recalled, testified as follows:

DIRECT EXAMINATION.

Q (THE COURT) You are the mother of the boy, Jones, who has been referred to as one of the finders in this case?

A Yes, sir.

Q The last time you were up here, you said you thought it might be possible that the container in which this second alleged find was made, might still be around the house?

A Yes, sir.

Q That day I sent you back to the home, so you could not have any access to your husband and know what he was testifying to, and told you to try and find the container, and then come back, and you came back and re-

ported and said you did not see it, that the cellar was too dark to see anything, and you had some difficulty in getting access to it, and you could not find any evidence of the container around the house elsewhere -- that is substantially correct what I said ?

A Yes, sir.

Q Now, word has come to the Court and to counsel, that you have since made a statement to someone that since the day I sent you down to hunt for it, it had been found around the house ?

A Yes, sir.

Q Have you found it ?

A Yes, sir.

Q Where did you find it ?

A It was found in the cellar.

Q Where you described it as being dark ?

A Yes; I tried to get a flashlight from several people, but could not get one.

Q Have you got it with you now ?

A Yes, sir.

THE COURT: Let us see it.

(The witness then produced the container).

WITNESS: It is all mashed down. It was mashed down that way in the cellar, I imagine, by someone tramping on it.

THE COURT: Gentlemen, I hand it to you, with the comment, if you look inside, the first impression would be that it was galvanized -- the other portion, where it has been rubbed off by a contact of some kind, it is either rust or copper, I am not sure which. You can examine it carefully, and might decide it among yourselves. I could not determine it by a superficial examination, whether the inside is galvanized, or whether the outside is copper, or what it is. It looks very much like the other that I have in the safe, and will produce it for comparison.

(The other container was then produced).

(After discussion between counsel and the Court before the Bench).

THE COURT: Do any of the other counsel desire to further examine Mrs. Jones ?

Q (MR. NILES) Who found this container you just brought

in ?

A My husband and I went down in the cellar and hunted it up.

Q Which cellar ?

A 132 S. Eden street.

Q And in what part of the cellar did you find it ?

A Over in the front part, right close where the other find was.

Q (THE COURT) What do you mean, at what place ?

A Where we have the coal.

Q (MR. NILES) When did you find it ?

A A couple days after we were here.

Q (THE COURT) A couple of days after you were sent for it, and could not find it ?

A Yes, sir.

Q (MR. NILES) You found it in the front part of the cellar ?

A Yes, sir.

Q What was it laying on ?

A On the ground.

Q It was not covered up by anything, was it ?

A There was dirt, and a bunch of trash there.

THE COURT: Was it flattened out then ?

A Yes, like that.

Q Like if someone stepped on it ?

A Yes, been tramped on.

THE COURT: Do any of the other counsel desire
to ask any questions ?

(No response).

THE COURT: That seems to be all, Mrs. Jones.

(Examination concluded.)

TESTIMONY CLOSED.
